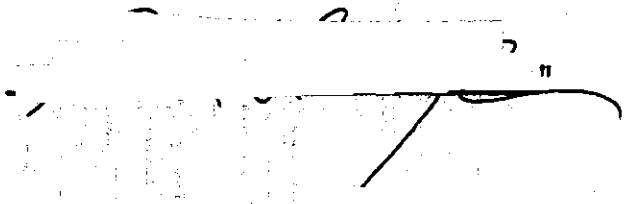


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TRANSITION ZONING

A THESIS

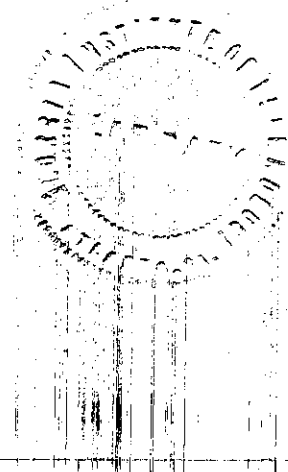
Presented to
the Faculty of the Graduate Division
by

Richard Larimore Dodge

In Partial Fulfillment
of the Requirements for the Degree
Master of City Planning

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May, 1961



42

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TRANSITION ZONING

Approved: _____

Date Approved by Chairman: _____

May 23, 1961

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ABSTRACT

Transition zoning is the modification of a district's zoning regulations at its boundaries to reduce the impact between non-compatible uses. The purpose of this thesis is to examine various ways transition zoning may be applied to provisions of zoning ordinances.

The objective of this thesis is to identify transition zoning provisions that have been incorporated into zoning ordinances and court decisions which have been rendered since Arthur C. Comey's book, Transition Zoning, was published by the Harvard University Press in 1933.

The foregoing purpose and objective were accomplished by a library study of zoning ordinances, pertinent literature, and appropriate law cases concerning transition zoning.

The thesis is divided into five chapters. Chapter I is an introduction which discusses the need for transition zoning and the ways in which it may alleviate problems which arise at the boundaries of zoned districts. Arguments for and against transition zoning are also included in this chapter. Chapters II and III review transition zoning applied to use (Chapter II), area and height (Chapter III) provisions. Chapter IV is an examination of court cases and decisions involving transition zoning clauses. Chapter V summarizes and presents conclusions derived from the study as a whole.

The transition zoning provisions presented in this thesis are an indication of the extent this zoning technique has been applied to provisions of zoning ordinances since the publication of Transition Zoning by

Arthur C. Comey in 1933. A majority of the zoning ordinances reviewed contained at least one provision that was either identical or very similar to provisions that appeared in Mr. Comey's book nearly thirty years ago. The main difference in transition zoning since the publication of Mr. Comey's book is the regulation of off-street parking areas. Few provisions of this type are to be noted in his work whereas today zoning ordinances frequently contain transition zoning provisions that govern off-street parking areas in residential districts that are designed to serve adjoining non-residential districts as well as non-residential district off-street parking areas that adjoin residential districts.

Transition zoning is a useful device and failure to recognize the need for it encourages the very situations that zoning ordinances try to prevent. Transition zoning, properly applied, will have a beneficial effect upon social and property values of a community.

CHAPTER I

INTRODUCTION

The division of a community into districts by zoning frequently results in problems which arise along boundary lines especially where unlike districts abut each other. For example, it is obvious that where a business district adjoins property situated in a residential district such property may be subjected to the adverse influences of higher buildings, more traffic, lights, and noise that would be characteristic of the business district. Consequently, the property may become less desirable for residential purposes; values may be reduced and become unstable, and tax revenues may decrease.

These difficulties at the edges of zoned districts may be minimized by inclusion of protective measures in zoning ordinances. The most common protective measures are delegations to boards of zoning appeal to vary zoning requirements at district boundary lines, the creation of marginal buffer districts, and transition zoning. The subject of this thesis is transition zoning made effective through clauses in zoning ordinances.

The term "transition zoning" has two different meanings. It has been applied to the zoning of a district that is undergoing a change in character. It has also been applied to the specialized treatment of borders of zoning districts. For purposes of this study it is to this latter situation that the term transition zoning applies.

Transition zoning may alleviate zoning district line problems either by increasing requirements on one side or by lowering them on the other. For example, where a business and residential district abut, height and setback provisions for business uses may have to conform with requirements governing the height and setback of uses in the residential district; or, conversely, height provisions for the residential district may be relaxed to conform with the greater height allowance for buildings in the business district. Thus, the application of transition zoning will result in the modification of a district's zoning regulations at its boundaries.

Is transition zoning legal?--Opposition to transition zoning is usually based upon the well accepted fact that zoning provisions must be uniform throughout each district. Two legal authorities have differed upon the constitutionality of transition zoning. Mr. Edward M. Bassett contended that the modification of district zoning provisions at district boundary lines is contrary to the zoning enabling act which provides that regulations may differ in several districts but must be uniform throughout each district. Mr. Bassett wrote:

This requirement of uniformity was considered most important in the early days of zoning while the subject was in the balance. Property owners would have been more hostile if they had thought that councils could select parts of districts for special favors. This rule helped to make it understood that all property situated alike would be treated alike. (1)*

Mr. Alfred Bettman disagreed with Mr. Bassett and contended that the word "uniformity" must be regarded as "uniformity of rule." He has

*See end of each chapter for footnotes within that division.

written:

. . . uniformity simply means uniformity of rule; it does not mean that the rule may not provide special standards for the various kinds of special situations that exist within the district or area. To be concrete, the principle of uniformity of the regulations within a zoning district does not mean that the regulations may not contain provisions for the border property different from the provisions for the non-border property. Any such interpretation of the requirement of uniformity would destroy a large part of all our zoning ordinances. For instance, front-yard standards which are defined by or varied by actual neighboring developments or developments along the block do not apply to other portions of the district which do not have such neighboring developments or developments along the block. Our zoning ordinances are filled with provisions which raise exactly the question raised about transition zoning. Uniformity of the rules is required, not uniformity of applicability of every part of the rule to every piece of land in the district. (2)

Mr. Bettman's opinion was upheld in the case of Heimerle v. Village of Bronxville (3) when the court said:

In effect, the village has defined a residence district for the exclusion therefrom of general business and then provided for its extension for an additional two hundred feet with respect to the particular business of undertaking establishments. This is not a violation of the provisions of section 176 of the Village Law that all such regulations shall be uniform for each class or kind of buildings throughout each district. The regulations are uniform with respect to undertaking establishments throughout the district thus extended.

Court cases based upon the application of transition zoning are very few in number, but the few decisions that are on record have upheld it as being legal. In view of the fact that transition zoning is widespread throughout the United States, the scarcity of court cases is, perhaps, evidence that the legality of such zoning is generally accepted.

Objective and scope of the study.---In 1933, the Harvard University Press published Transition Zoning by Arthur C. Comey (4). This was a thorough study of techniques embodied in zoning ordinances in order to reduce zoning district line problems at district boundaries. The objective of this

thesis is to identify transition zoning provisions which have been incorporated into ordinances and transition zoning court decisions which have been rendered since Mr. Comey's book was published.

Very little has been written about transition zoning since the publication of Mr. Comey's book. New types of transition zoning provisions are found in many zoning ordinances. Therefore, another appraisal of the use of transition provisions in zoning ordinances appears timely.

The next two chapters review transition zoning use provisions (Chapter II), and area and height provisions (Chapter III) that have been incorporated into zoning ordinances since publication of Mr. Comey's book. Chapter IV examines court cases and decisions involving transition zoning. Chapter V presents a summary and conclusions based upon the study as a whole.

Methodology.--This research is primarily a library study of zoning ordinances, literature, and pertinent law cases concerning transition zoning. Most of the research was accomplished in the Library of the School of Architecture and City Planning at Georgia Institute of Technology where there is a comprehensive collection of zoning ordinances. Material relating to law cases was obtained at the Library of the School of Law of Emory University. Mr. Comey's book served as a basis and guide for this research.

Since Mr. Comey had thoroughly explored the application of transition zoning in ordinances adopted through 1933, this research confines itself to new types of transition zoning that have appeared since 1933. Relatively minor but distinct clause variations appear in the footnotes and are not always referred to directly in the text.

FOOTNOTES

CHAPTER I

1. Bassett, Edward M., Zoning, New York: Russell Sage Foundation, (1936) p. 50.
2. Comey, Arthur C., Transition Zoning, Cambridge: Harvard University Press, (1933) p. 18.
3. Heimerle et al v. Village of Bronxville et al, Benedict et al v. Same Supreme Court, Special Term, Westchester County, New York. New York Supplement, 2nd Series, Vol. 5. St. Paul: West Publishing Co., (1938) p. 1013.
4. Comey, op. cit.

CHAPTER II

TRANSITION ZONING PROVISIONS GOVERNING USE

This chapter is an examination of transition zoning as it is applied to the division of property by district boundaries and the location of agricultural, commercial, and industrial land use at the boundaries of more restricted districts. The frequent application of transition zoning to specific land uses, such as off-street parking areas, automobile service stations and garages, and outdoor advertising signs, in the zoning ordinances reviewed for this study prompted the particular attention given these uses in this chapter.

Division of Lots by District Boundaries

In the process of locating the boundaries of a use district,, there is the possibility that a piece of property may be divided by a boundary line. The problem which arises where such a situation occurs concerns the use that may be made of the property. For example, some ordinances provide that where the boundary line of a more restricted district and a less restricted district divides a piece of property, the zoning provisions governing the more restricted district may be applied to the entire lot. Or, in the same situation, other ordinances provide that the zoning regulations governing the less restricted district may be applied to the entire lot.

More Restrictive Regulations to Apply to Entire Lot

The following clause was the only one identified in the zoning

ordinances reviewed as an example of transition zoning which required the more restrictive regulations to apply to an entire lot:

PERTH AMBOY, NEW JERSEY. 1950.

SECTION 3. ZONES.

4. . . . Lots so located that any part of the lot lies in more than one classification shall be used in its entirety in the higher restricted classification, subject to the height and bulk limits of this ordinance. (5a)

Although Bloomington, Indiana, has a provision in its zoning ordinance similar to the foregoing, there is a stipulation that the lot in question have frontage on a street in a more restricted district before the higher zoning restrictions apply to the entire lot (5b).

An example of a transition zoning provision that regulates the use of a divided lot with respect to off-street parking and loading facilities is a clause in the zoning ordinance of:

CLARKSTOWN, NEW YORK. 1955.

ARTICLE VI. PERMITTED AND REQUIRED OFF-STREET PARKING AND LOADING FACILITIES.

6.53 On Lots Divided by District Boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be located in any R district, unless the use to which they are accessory is permitted in such district. (5c)

Less Restrictive Regulations to Apply to Entire Lot

One example of transition zoning which permitted the uses allowed in the less restricted district to extend throughout the entire divided lot required: that one-half the lot lie in the restricted district; that whatever portion of the use that is extended beyond the less re-

stricted boundary line be housed entirely within a closed building; and that front and rear yards have an average of the required minimum depths for such yards in the two districts involved (5d).

A provision in the zoning ordinance of Pittsfield, Massachusetts, specifies that a building crossed by a district boundary line may be used in its entirety for a use permitted in the less restricted district during the life of the building (5e).

In many cases where a lot is divided by a district boundary line, the regulations of a less restricted district may apply to only a portion of the lot lying in a more restricted district. The most common requirement is that of a specified number of feet. For example:

TULLAHOMA, TENNESSEE. 1954.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS.

Section 1. Classification of Districts.

1.4 Where a district boundary divides a lot, as existing at the time this ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district. (5f)

A provision in the zoning ordinance of Belmont, Massachusetts, requires that a lot front upon a street in a less restricted district before regulations of the less restricted district may be applied to an area within 30 feet of the boundary line of the more restricted district (5g).

The next section of this chapter reviews the principal ways that transition zoning has been applied to land uses where agricultural, commercial, and industrial districts adjoin a more restricted or residential district.

Provisions Governing General Land Use

Agricultural Uses

A number of cities have included an agricultural use district in their zoning ordinances. Transition zoning included in the provisions of these districts is commonly that of a distance requirement to be maintained between an agricultural use and a more restricted use district boundary line. In Provo City, Utah, for example, livestock establishments permitted in an agricultural district must be located at least 200 feet from any more restricted district (6a).

Though 200 feet is generally the required distance to be maintained between agricultural uses and a more restricted district, Santa Rosa, California, requires as little as 50 feet (6b), while Orange County, California, requires 500 feet in the case of a "roadside" agricultural use (6c).

Commercial Uses

There are at least three methods of applying transition zoning to commercial uses. First, a commercial use may be prohibited from locating within a specified number of feet of the boundary of a residential district. Second, conditions may be stipulated that must be met by a commercial use if it is situated within a specified number of feet of a residential district or if it is located adjacent to or adjoining property in a residential district. And, third, commercial uses may be permitted on a lot within a residential zone which is adjacent to a commercial district.

Regulations prohibiting commercial uses from locating within a specified distance of an adjoining residential district.--Regulations that prohibit

commercial uses from locating within a specified distance of an adjoining residential district are of two principal types. The first type restricts a particular use (such as a private club, hospital, or a mortuary) from locating within a specified distance of a residential district (7a). The second type prohibits a group of several uses (such as a restaurant, drive-in, curb service stand, lunch wagon, and diner) from locating within a specified distance of the boundary of a residential district (7b).

Regulations establishing conditions required of commercial uses located within specified distances of or adjacent to a residential district.--

Additional requirements may be applied to commercial uses on property located adjacent to residential district boundary lines. For example, a transition zoning provision may require that a solid wall, or a lattice fence, or a compact screen of evergreens be maintained between a service yard and the adjacent residential district (7c). Other provisions may require an enterprise located within a specified distance of a residential district to be conducted in an enclosed building (7d).

In Birmingham, Alabama, the type of cleaning solvents used in laundries and dry cleaning establishments determines the distance such commercial uses must be located from a residential district (7e). Used-car sales lots in Kansas City, Missouri, are permitted to operate on commercial district lots which adjoin residential districts provided that: no dismantling of cars takes place; lights used to illuminate the lot at night reflect away from adjoining premises in a residential district; and flood lighting is used only until 10 o'clock at night (7f). Articles or materials that are kept, stored, or displayed outside the confines of a

building on a lot in a commercial district adjoining a residential district boundary line in Carlsbad, New Mexico, must be kept, stored, or displayed in such a manner that they cannot be seen from adjacent property in the residential district (7g).

Transition zoning provisions have been applied to the sale and consumption of alcoholic beverages in commercial districts. A retail liquor store is not permitted to be established or operated on premises which face across any street, park, plaza or other open spaces any residential or apartment district in Coral Gables, Florida (7h). A transition zoning provision of Shaker Heights, Ohio, prohibits liquor from being sold by the glass or for consumption on premises abutting residential districts (7i). Buffalo, New York, does not permit liquor to be sold for consumption on property located within a block that has frontage in both a commercial and residential district that lies across the street from a residential district (7j).

Regulations permitting commercial uses on a lot within a residential district adjacent to a commercial district.--Transition zoning provisions that permit commercial uses on residential lots immediately adjacent to commercial districts were similar to those Mr. Comey cited and thoroughly discussed nearly thirty years ago (7k). The only noticeable changes in these later clauses are that the uses permitted upon these residential lots appear restricted to professional offices, such as for doctors and dentists, and that such uses must be situated within a limited number of feet of an adjoining commercial district boundary (7l).

Industrial Uses

There are two ways that transition zoning is usually applied to

industrial uses. First, transition zoning may prohibit an industrial use from locating within a specified distance of various districts. And, second, transition zoning may establish conditions that are to be met by an industrial use adjoining property in a residential district.

Regulations prohibiting industrial uses from locating within a specified distance of various districts.--Regulations that prohibit industrial uses from locating within a specified distance of an adjoining residential district are similar to those which prohibit commercial uses from locating within a specified distance of an adjoining residential district. That is, transition zoning may prohibit one particular industrial use (such as a boiler factory, stock yard, or monument works) from locating within a specified distance of a residential district, or it may prohibit a group of industrial uses (such as trucking terminals, warehouses, building material sales yards, and house movers and wreckers) from locating within a specified distance of a residential district.

There are, however, transition zoning provisions that are unique to industrial uses. Such transition zoning may not only prohibit an industrial use from locating within a specified distance of a residential district, but may also require that a specified distance be maintained between the use and any other district. For example, in Des Moines, Iowa, uses permitted in an "M-2" heavy industrial district must be located at least 200 feet from any residential district, and not less than 100 feet from any other district except an "M-1" district (8a).

Regulations establishing conditions required of industrial uses adjoining property in a residential district.--A common requirement made of industrial uses adjoining property in a residential district is that a sheet

metal fence, or a tight board fence, or a masonry or other wall, or a dense evergreen hedge, will be maintained around the industrial use (8b).

The remaining section of this chapter presents various ways in which transition zoning has been applied to off-street parking areas, automobile service stations and garages, and outdoor advertising signs.

Provisions Governing Specific Land Uses

Off-Street Parking

The primary criterion for the location of off-street parking areas is that they be located within the vicinity of the greatest demand for such facilities. In well established cities this criterion is difficult to attain. However, applicable transition zoning clauses circumvent some of these difficulties.

Provisions permitting an off-street parking area that serves a non-residential district to locate in a residential district.--Provisions that permit an off-street parking lot which serves a non-residential district to locate in a residential district often require the lot to be located within a specified distance of the district it is to serve (9a). Other provisions prohibit the off-street parking lot from extending more than a specified number of feet into the residence district. In Toledo, Ohio, off-street parking areas contiguous to commercial or industrial districts may not extend more than 150 feet into a residence district (9b). An off-street parking area in Manitowoc, Wisconsin, is prohibited from extending more than 150 feet into a residential district and must abut the non-residential district it serves for at least 30 feet (9c).

Some provisions require an off-street parking area located in a residential district to front upon the same side of the same street as

does the non-residential district it serves. In such cases, the off-street parking area is usually required to adjoin the non-residential district (9d).

Provisions applied to off-street parking areas which abut residential districts.--Transition zoning is used to protect both property values and the safety of people in a residential district that is adjacent to an off-street parking area. A common provision is a requirement that the surface of the parking lot be paved and that landscaping, or a wall, or a fence, or a hedge be maintained between the lot and an adjoining residential use. Night illumination is usually required to be directed away from property in a residential district. Transition zoning may also govern the location of entrances to and exits from parking areas in or adjacent to residential districts.

Typical of transition zoning regulating type, height and location of barriers around parking areas is that of:

CHAMPAIGN, ILLINOIS. 1950.

ARTICLE XIII. COMPREHENSIVE PARKING REGULATIONS.

Section 7. Commercial Uses in B-1 Districts.

. . . There shall be provided a tight evergreen hedge or a masonry or stone wall not less than five (5) feet in height along each side of the required parking area that abuts upon a R-1 or R-2 District. (9e)

Where off-street parking areas are located across the street from a residential district similar measures are also required (9f). A transition zoning provision of the zoning ordinance of Grand Rapids, Michigan, permits adjacent residential district property owners to decide upon the type of screening they would like to have around a parking area (9g). A painted fence, in a tone blended to the character of adjacent dwellings,

is required around a parking area adjoining a residential zone in Augusta, Georgia (9h). The zoning ordinance of Toledo, Ohio, includes a transition zoning clause that specifies a fence to be so constructed as to prohibit passage through the landscaped area required between the parking area and an abutting residential district (9i).

Some provisions reduce the height of that portion of an off-street parking lot side wall which extends into the front yard setback of an adjoining residential district. For example, a lot which adjoins a residential district in Mesa, Arizona, is required to have a wall not more than five feet nor less than four feet in height along the lot line which coincides with the district boundary, except that where the wall adjoins the front yard of an abutting residential lot, the wall shall be three and one-half feet in height (9j). Any required wall between a residential district and a parking area is not allowed to extend beyond the front-yard setback line in Shaker Heights, Ohio (9k).

Night illumination of parking areas can be annoying to adjacent residential districts if it is unregulated. A typical regulation designed to control night illumination is found in the zoning ordinance of:

TACOMA, WASHINGTON. 1953.

SECTION 28. AUTOMOBILE SPACE REGULATIONS.

B. Public Parking Areas.

2. Where a public parking area is illuminated, the lights shall be fixed to reflect the light away from adjoining premises in dwelling districts and away from any street. (9l)

An unpaved off-street parking area that is located near a residential district is likely to create problems during windy, dry days as well as on rainy days. In order to prevent dusty and muddy surfaces, a tran-

sition zoning provision in the zoning ordinance of Anne Arundel County, Maryland, requires that off-street parking areas within 200 feet of a residence district be so paved as to provide a durable and dustless surface (9m).

Several ordinances take into account a possible hazard to pedestrians and motorists alike which could arise from the improper location of entrances to and exits from parking lots adjoining residential districts. A transition zoning provision of Midland, Michigan, requires that entrances and exits to and from off-street parking areas shall be at least 20 feet from any adjoining premises in any residence district (9n). The zoning ordinance of five California cities require that pedestrians and motorists must have a clear field of vision of at least 10 feet from entrances and exits of off-street parking areas located wholly or partially within a residential zone (9o).

Automobile Service Stations and Garages

Public automobile garages and gasoline service stations located on property that adjoins or is situated near residential districts are frequently subjected to transition zoning. The objective of such zoning is to regulate by-products of the activities of these uses, particularly loud noises and gaseous odors and fumes that would have a detrimental effect upon nearby property zoned for residential purposes. Transition zoning may specify one or more requirements that shall be met by these uses, such as the number of feet to be maintained between the use and a residential district (10a); the nature of work which must be confined within the building (10b); the measures to be taken to protect residential uses from work carried on outside of the building which houses the use (10c);

and the type of openings in the side of the building which faces a residential district (10d).

Outdoor Advertising Signs

Another use of transition zoning is in connection with billboards, signboards, poster panels and bulletin boards of various types. The purpose of such transition zoning is to curtail the visibility of outdoor advertising signs from property located in residential districts as well as the lights that may be used to illuminate these signs at night. The usual practice is to prohibit the erection of advertising signs within a specified number of feet of a residential district (11a).

Distance alone is not always sufficient to protect property in residential zones from illuminated signs located in abutting use districts. In Denver, Colorado, no sign, outdoor commercial advertising device or light device constituting a nuisance to an adjacent residential district, because of lighting glare, focus, animation or flashing of the sign, lighting or advertising device, shall be created or continued in operation (11b).

Illuminated signs within 150 feet of a residential district boundary shall be placed at a ninety degree angle with such boundary line in Clarkstown, New York (11c). No outdoor sign in Decatur, Georgia, when illuminated, is permitted to face directly upon an adjacent residential district (11d).

Summary

The foregoing sections of this chapter have presented various

methods by which transition zoning may be applied to a piece of property divided by a district boundary line, and to general and specific land use restricted to agricultural, commercial, and industrial districts.

The use of a lot divided by a district boundary may be determined by applying to the entire lot regulations of the more restricted district or regulations of the less restricted district may be applied to the whole lot or only a specified portion.

Transition zoning governing land use may:

1. Prohibit permitted uses from locating within a specified distance of a residential district.
2. Require additional conditions of permitted uses located near or adjacent to a residential district.
3. Permit prohibited uses to locate within a residential district lot for a specified distance of the district boundary line.

Transition zoning applied to agricultural uses usually prohibits these uses from locating within a specified distance of a residential zone.

Transition zoning applied to commercial uses may be found within all three of the foregoing categories, while transition zoning which is applied to industrial uses is usually confined to the first two classifications.

Transition zoning may permit off-street parking areas which serve non-residential districts to be located within adjacent residential districts. More often, however, transition zoning establishes conditions to be met by off-street parking areas that adjoin residential districts. Transition zoning provisions regulating automobile service stations and garages usually prohibit these uses from locating within a specified

distance of a residential district and establish conditions to be met if situated adjacent to a residential district.

Transition zoning provisions relating to outdoor advertising signs restrict their location to points from which they will not be seen from residential districts, nor will light from illuminated signs be reflected into residences.

FOOTNOTES

CHAPTER II

BOUNDARIES

5a. PERTH AMBOY, NEW JERSEY. 1950. (For text, see page 7.)

5b. BLOOMINGTON, INDIANA. 1950.

TITLE III. ZONES.

Section 112. Zone Boundaries.

. . . Where the boundary line of a zone divides a lot having frontage only on a street in a more restricted zone, the provisions of this ordinance covering the more restricted portion shall extend to the entire lot. . . .

Similar provision in following ordinance:

Providence, Rhode Island. 1953.

A slightly different example follows:

HIGH POINT, NORTH CAROLINA. 1947.

ARTICLE I. IN GENERAL.

Section 24.4 Boundaries of districts.

(b) Where property has been subdivided or platted and a portion of a lot is in two different use districts and uncertainty arises as to its use, the zoning for the frontage of the lot shall prevail for the entire lot; provided, such zoning does not extend to a point closer than one hundred and fifty feet to a street frontage of higher zoning.

Similar provision in following ordinance:

Easton, Pennsylvania. 1949.

5c. CLARKSTOWN, NEW YORK. 1955. (For text, see page 7.)

5d. SAGINAW, MICHIGAN. 1958.

PART I. GENERAL PROVISIONS.

Chapter 3. General Requirements.

Section 305. District Boundary Exceptions.

(a) Where a district boundary line divides a lot in single and separate ownership at the time of passage of this code or at the time of amendment or change of a district boundary, a use permitted on the less restricted portion of such lot may be extended to the entire lot, subject to the following conditions:

1. That one-half ($\frac{1}{2}$) or more of the area of such lot shall lie in the less restricted district;
2. That any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building. Such building shall conform to any applicable yard and area requirements in the more restricted district and shall never extend more than fifty (50) feet beyond the district boundary;
3. That any portion of such a lot lying in the more restricted district and having adequate area and street frontage to meet minimum zoning requirements shall be developed only for a use permitted in such more restricted district;
4. That the terms of sub-section (b) of this section shall be met for any part of the lot to which they apply.

(b) Where a district boundary line separates two (2) lots, except when other specified, any abutting front yard or rear yard required in the less restricted district shall be increased in minimum depth to the average of the required minimum depths for such yards in the two kinds of districts involved.

5e. PITTSFIELD, MASSACHUSETTS. 1953.

ARTICLE XVII. GENERAL PROVISIONS.

Section 1. Non-conforming Uses and Buildings.

(3) Building Crossed by District Boundary. In any case where a district boundary line crosses a building which existed at the time such boundary was established, a use permitted in the less restricted of the two districts may be extended, as a

non-conforming use during the life of said building, into that part of the building situated within the more restricted district.

5f. TULLAHOMA, TENNESSEE. 1954. (For text, see page 8.)

Similar provision in following ordinances:

Newburyport, Massachusetts. 1940. (30')
 Reading, Massachusetts. 1948. (30')
 Kansas City, Missouri. 1952. (25')
 Dyersburg, Tennessee. 1946. (20')
 Jackson, Tennessee. 1948. (20')
 Murfreesboro, Tennessee. 1952.. (20')

A slightly different example follows:

NEW ROCHELLE, NEW YORK. 1955.

SECTION 4.3 DISTRICT BOUNDARIES.

4. In all cases where a district boundary divides a lot in one ownership and not less than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by this ordinance for the less restricted district shall apply to the remainder of said lot up to a distance of not more than 10 feet.

5g. BELMONT, MASSACHUSETTS. 1950.

SECTION 2. DISTRICTS.

(c) Where a district boundary line divides a single lot at the time of the adoption of such line, the regulation for the less restricted portion of such lot shall extend to the entire lot, but not more than thirty feet within the boundary line of the more restricted district, provided, however, that where any one lot lies in two districts but has no frontage on a street in the less restricted district, said entire lot shall be subject to the requirements of the more restricted district.

A slightly different example follows:

LYNBROOK, NEW YORK. 1953.

ARTICLE X. SUPPLEMENTARY PROVISIONS.

District Boundary Line Division.

Section XVII. -- Where a district boundary line divides a

lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than forty (40) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district, if the less restricted district be in any district, other than the "A" or "B" district, the entrance to such building shall be in the less restricted district.

AGRICULTURAL USES

6a. PROVO CITY, UTAH. 1949.

56-2-20. AGRICULTURAL DISTRICT I (A-1).

(1) Use Regulations.

(g) Dairy farms; fur farms; dog kennels; creameries; grain storage elevator; nurseries; cold storage plants; fruit packing plants; livestock feed processing and sales; provided such livestock establishments are located at least two hundred (200) feet from any more restricted district,

Slightly different examples follow:

ANNE ARUNDEL COUNTY, MARYLAND. 1954.

SECTION 2. ZONING DISTRICTS.

A. Agricultural Districts - (Intended for all land not included in any other Zoning District)

4. Other Regulations.

Minimum distance requirements - All buildings or uses for which compliance with "minimum distance requirements" is stipulated in the foregoing provisions of this Section shall be distant at least two hundred (200) feet from any lot in any Residence District, or any lot occupied by a dwelling, or by a school, church, or institution for human care;

RAVENSWOOD, WEST VIRGINIA. 1958.

ARTICLE 3.0 AGRICULTURAL DISTRICT (A).

3.60 Other Required Conditions.

3.61 Any building or enclosure in which animals or fowl are contained shall be distant at least two hundred (200) feet

away from any lot in any R or C District, or from any school or institution for human care.

Similar provision in following ordinance:

Bismarck, North Dakota. 1953.

EVANSVILLE, INDIANA. 1953.

6-106A. CONSERVANCY ZONE REGULATIONS.

6-106A-1. G1 Conservancy Zone.

A. Permitted Uses.

(1) Customary agricultural operations provided that no odor or dust producing substance or use shall be permitted within two hundred (200) feet of a Residential or Business Zone Boundary.

MOUNTAIN BROOK, ALABAMA. 1955.

ARTICLE XII. AGRICULTURAL DISTRICTS.

Section 121. Uses Permitted.

121.6 Accessory buildings and uses customarily incident to the above uses, including servant or tenant quarters, but not used for the sale of products other than those produced on the premises, provided, that any structure used for the housing of livestock of any kind shall not be located closer than one hundred (100) feet from any property line of a district other than an Agricultural District.

SHELTON, CONNECTICUT. 1953.

SECTION 5. RURAL DISTRICTS.

5.1 Uses Permitted.

5.1.5 A hotel having sleeping accommodations for 15 or more guests, subject to the following restrictions:

5.1.5.3 All buildings shall be not less than 150 feet from any lot line except where adjacent to a business or industrial district.

6b. SANTA ROSA, CALIFORNIA. 1948.

SECTION 7. REGULATIONS FOR A-1 DISTRICTS.

7.1 Uses Permitted.

7.12. Light agricultural uses provided any accessory building, outhouse, corral, coop, hutch, pen, private shop, garage, stable, storage shed or structure used or to be used shall be located at least fifty (50) feet from any park, school, "R" zone, street or highway upon which such property fronts or adjoins.

6c. ORANGE COUNTY, CALIFORNIA. 1952.

SECTION 6. "RA" ROADSIDE AGRICULTURAL DISTRICT REGULATIONS.

A. Uses Permitted.

2. Mining or quarrying and other earth-extraction industries, provided that no such use shall be permitted within five hundred (500) feet of any . . . A1, E1, E2, E3, R1, R2, or R3 District as established by official District Maps adopted under Section 5 hereof.

COMMERCIAL USES

7a. MIDLAND, MICHIGAN. 1951.

SECTION 7. RESIDENCE "C" DISTRICTS.

A. Uses.

II. Other Uses.

(c) A club, fraternity or lodge, except for any use that is customarily conducted as a gainful business. Any such building shall be located at least twenty-five (25) feet from any lot which is in a Residence District and is not used for a similar purpose.

Slightly different examples follow:

YAKIMA, WASHINGTON. 1937.

PART II. USE DISTRICT.

Section 5. Residence District "C".

(e) In Residence District "C" undertaking establishments

and/or crematories shall be permitted, but not within three hundred (300) feet of Residence District "A" or "B".

GRAND RAPIDS, MICHIGAN. 1951.

ARTICLE XVII. "A-3" RESIDENCE DISTRICT.

1702. Prohibited Uses.

d. Hospital, institutions of an educational, philanthropic or eleemosynary nature, providing the building covers more than 30 per cent of the lot area or is closer than 50 feet from the lot lines of all adjoining properties in all Residential Districts.

RACINE, WISCONSIN. 1946.

SECTION 7. "B" RESIDENCE DISTRICT.

II. Other Uses.

1. Principal Uses and Buildings.

(d) Welfare Uses.

. . . Any such building shall be located not less than 50 feet from any lot in any Residence District not used for a similar purpose.

OMAHA, NEBRASKA. 1952.

SECTION 12. 1ST SUBURBAN DISTRICT.

A. Use Regulations.

12. Public and private riding academies; Provided, However, That no stable, building or structure in which horses or other animals are kept may be located nearer than 100 feet to the nearest property line of such riding academy, nor nearer than 300 feet to a designated residential district, and provided that not more than ten animals be kept for each acre of the tract in which the riding academy is located.

NASHVILLE, TENNESSEE. 1953.

SECTION 8. COMMERCIAL A DISTRICTS.

Uses: (3) Dry cleaning and pressing shop - limited to a

dry cleaning operation of a retail nature where the work handled comes directly from the customer to the shop. The actual cleaning and drying processes shall be carried on in a building or portion of building having not over 250 square feet of floor area and located at least fifty (50) feet away from the nearest Residential District.

SAN GABRIEL, CALIFORNIA. 1949.

SECTION 8. C-2 (GENERAL) COMMERCIAL DISTRICT REGULATIONS.

A. Uses Permitted.

3. Light manufacturing incidental to the retail sale of goods from the premises only; that no more than twenty-five (25) per cent of the ground floor area of any building may be used for such purpose, that no motor exceeding one horse-power be installed, and that the total horse-power in any one building shall not exceed five horse-power, and provided further, that any such portion of any building or premises used for such incidental manufacturing shall not be nearer than fifty (50) feet to any R-1, R-2, R-2a, R-2b or R-3 Zone.

Similar provision in following ordinance:

Hermosa Beach, California. 1943.

NEW BRITAIN, CONNECTICUT. 1953.

SECTION 8. RESIDENCE DISTRICT USES.

(e) No premises in any residence zone, or within 500 feet therefrom shall be used or arranged to be used in any part for picnic grounds.

YOUNGSTOWN, OHIO. 1951.

SECTION 7. COMMERCIAL B DISTRICT USES.

(2) Within a Commercial B District, a building, structure or premises may be used for soft drink or milk bottling or distributing station, subject to the following specifications:

(d) No entrance or exit shall be within 50 feet of a residence district.

7b. HAMILTON, NEW JERSEY. 1947.

ARTICLE VII. USE REGULATIONS CONTROLLING FIRST BUSINESS DISTRICTS.

1. Any restaurant, diner, lunch car or lunch wagon, any part of which is located within one hundred and fifty (150) feet from a residence district.

Slightly different examples follow:

COLUMBIA, SOUTH CAROLINA. 1949.

SECTION 4. CLASSIFICATION OF USES.

Group 2. Business and Industrial Classes.

Class U-3 Uses: (Business).

(2) Restaurant; provided, however, that no drive-in or curb service restaurant shall hereafter be established upon any property zoned for business, any part of which property is within two hundred fifty feet (250') of any property zoned for residences or apartments, and provided, further, that this limitation shall not apply in industrial areas. . . .

NEWARK, NEW JERSEY. 1954.

ARTICLE II. DISTRICTS AND REGULATIONS.

Section 36.7 First business district regulations.

2. Use regulations.

7. Restaurants, except that none shall be located within one hundred and fifty (150) feet of a residence district, nor shall the sale of ice cream, drinks or other refreshments for out-of-doors consumption by customers be made within one hundred and fifty (150) feet of a residence district.

LEWISTON, MAINE. 1950.

BULK REGULATIONS AND EXCEPTIONS.

Section 7.

1(L) No premises shall be used for business purposes consisting of temporary stands, booths, platforms or vehicles intended for the sale of merchandise or for other mercantile purposes,

if any part of such stand, booth, platform or vehicle is proposed to be located nearer than 125 feet to any Residential Zone, or Apartment House Zone.

AKRON, OHIO. 1951.

SECTION 7. RETAIL BUSINESS DISTRICT.

(c) Property within a Class U3 (Retail Business) District, which is nearer than 200 feet to a Class U1 (Dwelling) or U2 (Apartment House) District, shall not be used for the parking of any motor truck, trailer, tractor, tractor-trailer or similar equipment, except where such parking is accessory to a motor vehicle sales room. . . .

7c. COLORADO SPRINGS, COLORADO. 1951.

SECTION 17. C-4 NEIGHBORHOOD BUSINESS ZONE.

10. Other Provisions and Requirements.

(4) Service entrances and service yards. . . . Such areas must be screened from adjacent residential property by the installation and maintenance of a solid wall, or a lattice fence . . . , or a compact screen of evergreens set back at least two (2) feet from the property line; likewise suitable trees, as specified by the City Forester, must be maintained in the parking area adjacent to the property of the neighborhood business to form a partial screen in front of the business.

Slightly different examples follow:

BLOOMINGTON, INDIANA. 1950.

TITLE V. BUSINESS ZONE REGULATIONS.

Section 118. B3 General Business Zone.

A. Permitted Uses.

2. DRIVE-IN BUSINESS -- Where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height is erected and maintained between such uses and an adjoining R Zone.

Similar provision in following ordinances:

Evansville, Indiana. 1953.

Providence, Rhode Island. 1953.

DOTHAN, ALABAMA. 1951.

ARTICLE VII. LOCAL BUSINESS DISTRICT REGULATIONS.

Section 72. Required Lot Area, Lot Width, Yards and Building Area.

Buildings and other structures shall be located so as to comply with the following requirements:

72.3 . . . or on any corner lot which a business is hereafter established and which adjoins a residence district, there shall be a service yard not less than twenty (20) feet in depth and adequate for handling waste and garbage and the loading or unloading of vehicles and which shall be provided with access to a street or alley.

Similar provision in following ordinances:

Bessemer, Alabama. 1958.
Montgomery, Alabama. 1952.

CITY AND COUNTY OF DENVER, COLORADO. 1956.

612. DISTRICT REGULATIONS.

612.8-3 Permitted Uses.

(1) Uses by Right.

(e) Automobile sales room: d) . . . all display areas are screened from any adjacent residential district by a wall at least five feet high;

CORONA, CALIFORNIA. 1957.

SECTION 13.00 C-1 NEIGHBORHOOD SHOPPING CENTER ZONE.

13.60 Walls.

A six (6) foot high masonry wall shall be erected along all property lines adjacent to an R-zone, provided, however, that such wall shall be only three (3) feet high from the building line of the adjoining property to the front property line.

BLOOMINGTON, INDIANA. 1950.

TITLE V. BUSINESS ZONE REGULATIONS.

Section 118. B3 General Business Zone.

A. Permitted Uses.

9. THE FOLLOWING USES -- Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than 4 feet in height; except for the off-street loading of delivery vehicles which are incidental thereto (uses listed)

GARDEN CITY, NEW YORK. 1952.

ARTICLE XI. GENERAL PROVISIONS.

Section 1110. Flagpoles, Gates, Fences, Etc.

2. In Business and Industrial Districts. In any Business or Industrial District, no fence or similar structure used or intended to be used for a like purpose, except a hedge fence, adjacent to property in a residence district, shall be permitted,

7d. CHARLESTON, WEST VIRGINIA. 1954.

ARTICLE VII. BUSINESS "B" DISTRICTS.

Section 52. Uses.

(C) Prohibited Industries.

(a) Amusement enterprises, including beer parlor or other establishment where alcoholic beverages are dispensed for consumption on the premises, billiard or pool halls, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery, skating rink, and the like (if within two hundred feet along a street of a residence district, or within one hundred feet in any other case of a residence district, unless such part or parts as may be within one hundred feet are completely enclosed within a building without any openings, except for such emergency exits as may be required by other law or regulations). . . .

Slightly different examples follow:

LOS ANGELES, CALIFORNIA. 1952.

SECTION 12.14 "C2" COMMERCIAL ZONE.

A. Use--

6(b) Any automobile laundry or wash rack, in which power driven or steam cleaning machinery is used, shall be conducted within a building. The machinery shall also be housed in a building. Where any of said buildings is located within 100 feet of any property in an "A", "RA" or "R" Zone, the side of the building adjacent to such property shall be a solid wall of concrete, masonry or double faced plaster. Where any of said buildings is located within 50 feet of any property in a "C" or "CM" Zone, the side of the building adjacent to such property shall be a solid wall of concrete, masonry or double faced plaster, or if said building does not have such a solid wall, a concrete or masonry fence or wall at least six feet in height shall be erected and maintained between said building and such adjoining property;

6(c) The Board of Building and Safety Commissioners may require such additional soundproofing as it deems necessary, so that the noise from the operation of any power driven or steam cleaning machinery in an automobile laundry or wash rack is no more audible on any adjacent lot in an "A", "RA" or "R" Zone, than the noise, at such lot, emanating from the ordinary street traffic and from other commercial or industrial uses; the comparison to be made between the noises at the same time of day.

POUGHKEEPSIE, NEW YORK. 1953.

SECTION 6.3 C-3 DISTRICTS (HIGHWAY COMMERCIAL).

6.31 - USES PERMITTED. Any use permitted in C-2 districts, provided that when such use is within fifty (50) feet of a residential zone, the use in such 50 foot area shall be conducted wholly within a building, except for the off-street loading of delivery vehicles which are incidental thereto. (Similar provision in M-1 Light Industrial and M-2 Heavy Industrial District)

Similar provision in following ordinance:

Buffalo, New York. 1953.

7e. BIRMINGHAM, ALABAMA. 1954.

ARTICLE II. USE REGULATIONS.

Division 1. General Provisions.

Section 1617 $\frac{1}{2}$. Conditions under which laundry, steam or dry cleaning, permitted.

In a commercial district a laundry, steam or dry cleaning, and not otherwise excepted by this chapter, may be established and maintained; provided, that:

(a) Such laundry, steam or dry cleaning, shall not be located upon any lot of which any lot line or portion of lot lies less than 100 feet from any residence district as established by this chapter; provided, that the provisions of this requirement shall not apply where such laundry, steam or dry cleaning, is a plant which utilizes only solvents classified as non-flammable or as non-flammable at ordinary temperature and only slightly flammable at higher temperatures;

7f. KANSAS CITY, MISSOURI. 1952.

SECTION 58-10. DISTRICT C-2.

Use Regulations:

4. Automobile or trailer sales rooms and trailer or used car sales lots. No dismantling of cars or trailers nor sale of used parts is allowed on said trailer or used car lots. Any lights used to illuminate said lots shall be so arranged as to reflect the light away from any adjoining premises in a residential district. The use of flood lights, except those used for protection of the property, shall be permitted only until 10:00 o'clock at night. Such lighting used for protection shall not exceed two-tenths (.2) lumens of light per square foot, measured at any property line.

7g. CARLSBAD, NEW MEXICO. 1953.

ARTICLE VII. "D" COMMERCIAL DISTRICT REGULATIONS.

Section 2. Use Regulations.

A building or premises shall be used only for the following purposes; provided, however, that any articles or materials that are kept, stored, or displayed outside the confines of a building must not be kept, stored, or displayed within required front, side, or rear yards and must be fenced or screened by

planting in such a manner that they cannot be seen from a public street or from adjacent property in a residential district; . . .

7h. CORAL GABLES, FLORIDA. 1951.

SECTION 7-A. RETAIL LIQUOR STORES.

(b) No retail liquor store may be established or operated on premises which face, across any street, avenue, park, plaza, or other open space, any premises which by the Zoning Ordinance or amendments thereto are classified and designated as residence (R) or apartment and hotel (A) districts.

(d) In C-2 and C-3 areas where such commercial premises abut upon residence (R) or apartment and hotel (A) premises, no retail liquor store may be established or operated within a lineal distance of 2500 feet of any other retail liquor store. . . .

7i. SHAKER HEIGHTS, OHIO. 1952.

CHAPTER 8. LOCAL RETAIL DISTRICT REGULATIONS.

Section 8-1. Uses Permitted.

(10) Any other store, shop or service similar to the uses herein listed in type of goods or service, in business hours, in number of persons employed, in number of persons or vehicles attracted to the premises and in the effects upon the adjoining residential area.

(a) Neighborhood retail stores and services as follows, but not including liquor sold by the glass nor for consumption on the premises, and provided there is no display of goods in front of the setback building line:

7j. BUFFALO, NEW YORK. 1953.

9. "C1" NEIGHBORHOOD BUSINESS DISTRICT. The following regulations shall apply in the "C1" neighborhood business district:

A. Permitted Uses.

4. Restaurant, tea room or cafe, excluding dining cars; provided that no such use shall include dancing or entertainment except radio, television or recorded music. Provided, further, that the sale of alcoholic beverages for consumption on the pre-

mises shall not be allowed on a lot in any "C1" district which lot is located in the same block frontage as any "R" district or in frontage directly across the street from any "R" district.

A slightly different example follows:

AUSTIN, TEXAS. 1950.

SECTION 7. "C-1" COMMERCIAL DISTRICT.

Uses Permitted.

2. The sale, dispensing and otherwise handling of beer and wine as defined by State Law, to be sold in bottles or any other container direct to the consumer, for consumption on the premises, but not for resale, provided that the sale of the above beverages is incidental and secondary to the sale of food and other commodities for human consumption and that such sale conform to all the regulations of the Texas Liquor Control Act with reference to Licenses and Permits, time and manner of sale; and further provided, that the land or building is used at said location as a restaurant or cafe as defined in Section 2 hereof, and that where food or refreshments are served on the premises, outside of the building, a solid fence, dense hedge or other opaque barrier not less than six (6) feet high to within ten (10) feet of any street line or more than three (3) feet high for the remaining ten (10) feet to the street line, is placed on the property lines where the premises abut or adjoin a Residence "A" or Residence "B" District, or any land improved and used for residential purposes; and further provided that no facilities are provided for any loud speaker, amplifier or other sound device broadcast or playing on the outside of the building any instrumental music, songs or speech.

7k. Comey, Arthur C., Transition Zoning, Cambridge: Harvard University Press, (1933) pp. 29-31.

71. GRAND RAPIDS, MICHIGAN. 1951.

ARTICLE 14. GENERAL PROVISIONS RELATING TO ALL RESIDENTIAL DISTRICTS.

1409. TRANSITION ZONING. The first residentially zoned lot having a side yard adjacent to any "C" or "D" District may be utilized in accordance with the next least restricted residential zone requirements. In addition, any single adjacent structure located or built upon the first 100 feet of such a residentially zoned lot, or lots in common ownership, with a side yard adjoining a "C" or "D" District may be used for groups

of doctors, dentists, architects, engineers or attorneys; clinics with private dispensaries; and insurance, institutional, and real estate offices. All such semi-commercial uses must meet the following conditions:

b. Side yards must meet the zone district side yard requirements for the zone district in which such lot is located.

c. Conformance with the character of the established neighborhood as a conversion of an existing dwelling or in a new building designed with the appearance of a residential building.

Slightly different examples follow:

BUFFALO, NEW YORK. 1953.

4. "R1" one-family district. The following regulations shall apply in the "R1" One-Family district:

A. PERMITTED USES.

(4) As a transitional use in the "R1" district on premises the side lot line of which abuts, or the front lot line of which is directly across a street from, premises in any other district, the office of a resident physician, surgeon or dentist shall be allowed subject to the following conditions: (a) such office shall be located within the dwelling of said physician, surgeon or dentist, (b) not more than one additional physician, surgeon or dentist shall be permitted to practice on said premises and only as an assistant to the resident professional person, . . . (d) in the case of premises whose side lot line abuts the district boundary line, the uses permitted by this subdivision shall not extend more than 60 feet or the "R1" lot width, whichever is less, from said boundary line, and (e) directly across the street from premises in any other district shall mean that if the side lot lines of the "R1" lot are extended across the street on which it fronts, at right angles to the street line, at least one-half of the frontage thus intercepted across the street must be in a district other than "R1."

SANTA MONICA, CALIFORNIA. 1950.

ARTICLE IX. PLANNING AND ZONING.

Chapter 1. Zoning Regulations.

Section 9117. Exceptions.

SECTION 9117C. Use. When a lot which is 60 feet or less

in width and which is classified as "R2" or "R3" adjoins the rear or side of property classified as "C3", said lot may be used for any use permitted under the "C3" classification, provided that the said property so classified as "C3" is 100 feet or less in depth, measured from the street frontage of same, or 100 feet in total width, measured from any street which parallels the side of the said property so classified for C-3 use, and provided further that the said use on the said lot classified as "R2" or "R3" is an integral part of the use on the said property classified as "C3", and provided also that no street entrance is placed, maintained or permitted on said property classified as "R2" or "R3."

INDUSTRIAL USES

8a. DES MOINES, IOWA. 1953.

PART XIV. "M-2" HEAVY INDUSTRIAL DISTRICT.

2A-34 Required Conditions.

B. All principal buildings and all accessory buildings or structures including loading and unloading facilities, shall be located at least two hundred (200) feet from any "R" District and not less than one hundred (100) feet from any other district except an "M-1" District.

Slightly different examples follow:

OGDEN CITY, UTAH. 1951.

SECTION 17. MANUFACTURING DISTRICT M-2.

A. Use Regulations.

17. The following uses, provided that they shall be located not less than six hundred (600) feet from any district boundary and not less than two hundred (200) feet from any other use except those incidental to and located upon the same piece of property as the use specifically herein permitted: (uses listed)

ANNE ARUNDEL COUNTY, MARYLAND. 1954.

SECTION 2. ZONING DISTRICTS.

G. Heavy Industrial District.

4. Other Requirements.

b(6) Storage of materials - . . . however, no bulk stor-

age of the above mentioned liquids or gases shall be located closer than 300 feet in a direct line from any Residence District . . . or within 100 feet of any other zoning district boundary line. . . .

8b. CHAMPAIGN, ILLINOIS. 1950.

ARTICLE XI. I-1 DISTRICT--LIGHT INDUSTRIAL

Section 1. Use Regulations.

5. Building equipment and solid fuels storage and yards, and yards for contracting equipment, maintenance or operating equipment of public agencies or public utilities, or materials or equipment of a similar nature, provided that where such storage or yards are in the open, if any part of the land so used lies within three hundred (300) feet of any residence district, or any park, or state or federal highway, the entire open area used shall be surrounded by a substantially built tight board or sheet metal fence, or masonry or other wall, or dense evergreen hedge not less than eight (8) feet high.

A slightly different example follows:

BLOOMINGTON, INDIANA. 1950.

TITLE VI. INDUSTRIAL ZONE REGULATIONS.

Section 119. M1 General Industrial Zone.

A. Permitted Uses.

3. THE FOLLOWING USES --- Provided where they are within 150 feet of an R-Zone boundary line they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence not less than 7 feet in height; except for the off-street loading of delivery vehicles which are incidental thereto. . . . (uses listed)

Similar provision in following ordinances:

Evansville, Indiana. 1953.

Providence, Rhode Island. 1953.

OFF-STREET PARKING

9a. POUGHKEEPSIE, NEW YORK. 1953.

SECTION 5.6 PROVISIONS GOVERNING R-5 DISTRICTS.

5.61 Uses Permitted.

5.613 Public parking lot for use by private passenger motor vehicles, where all parts of the lot are located within 200 feet of, are used in connection with, and adjoin premises situated in a use district designated in this ordinance as commercial or industrial. . . .

Slightly different examples follow:

MIAMI BEACH, FLORIDA. 1953.

SECTION 3. USE REGULATIONS.

Estate Districts.

1. Parks, playgrounds, automobile parking areas, or municipal buildings, owned and operated by the City of Miami Beach, provided that no automobile parking area so owned and operated shall be located at a distance greater than 350 feet from a Business District.

DAVENPORT, IOWA. 1948.

ARTICLE X. "F" LOCAL BUSINESS DISTRICT REGULATIONS.

Section 3. Parking Regulations.

2. . . . Such parking space shall be located on the same lot as the building or on an area within three hundred (300) feet of the building provided same is located in a similar or more intensive use district.

EAST LANSING, MICHIGAN. 1953.

ARTICLE V. "C" MULTIPLE DWELLING DISTRICT.

Section 7-5.8 Parking or Automobile Storage.

(d) Facilities for the storage or parking of automobiles for the use of occupants or employees in the buildings hereafter erected, for other uses permissible in this district, shall be provided and maintained on the premises occupied, or on privately owned property located within 500 feet thereof, and with

the same or a less restricted district. . . . (uses listed)

LOS ANGELES, CALIFORNIA. 1952.

SECTION 12.07.1 "RS" SUBURBAN ZONE.

A. Use.

5. Public parking areas, as a transitional use, on lots having a side lot line adjoining or separated only by an alley from a lot in a commercial or industrial zone, provided that:

(a) The lot on which the parking area is located does not extend more than 75 feet from the boundary of the less restricted zone which it adjoins, or more than 75 feet from the alley line if an alley intervenes between the side of the lot and the less restricted zone; and

(b) The parking area is located and developed as required. . . . (Similar provision in One and Two Family and Multiple Dwelling Zones)

PORT ALLEN, LOUISIANA. 1953.

SECTION 6. OFF-STREET AUTOMOBILE AND VEHICULAR STORAGE.

m. Required off-street automobile standing space within three hundred (300) feet on any lot or plot on which any of the above uses are established, may be provided in any zone except a Single-Family "A-1" Zone provided that if located in a Two-Family "A-2" Zone or in a Multiple Family "B" Zone, all such automobile standing space shall be so screened by planting or by fences and planting or by walls and planting that it cannot be seen from the public street.

9b. TOLEDO, OHIO. 1952.

ARTICLE II. USE DISTRICTS.

Section 9-2-2. "A" Residence District.

9. Off-street parking areas for the parking of patrons' private passenger automobiles without charge where such areas are contiguous to commercial or industrial districts and do not extend a distance greater than 150 feet from such commercial or industrial districts. . . .

Similar provision in following ordinances:

Augusta, Georgia. 1955. (100')
 Des Moines, Iowa. 1953. (100')
 Grand Rapids, Michigan. 1951. (150')

9c. MANITOWOC, WISCONSIN. 1954.

SECTION 15.03 USE REGULATIONS. "A" RESIDENCE DISTRICT.

(10) . . . A parcel of land may be so used only if it abuts for at least 30 feet land in a "C", "D", "E", or "F" District, provided further that the parking area does not extend more than 150 feet into the residential zone. . . .

9d. WICHITA, KANSAS. 1952.

SECTION 28.

The parking area may extend two hundred (200) feet into any residential district exclusive of alleys or open spaces. The parking area shall be separated from the business districts with an open unoccupied space of not less than twenty (20) feet in width. Parking areas shall be located on the same side of the street and immediately adjoining or across an alley from the property they are to serve; provided that where the entire block in which the property to be served is zoned as a business district with no vacant or residential property in the same block, or is in the process of full development for business use as one project on the date of the adoption of this ordinance, the parking area may be located elsewhere, provided it has a common street frontage with the business district it is to serve.

A slightly different example follows:

GREENSBORO, NORTH CAROLINA. 1954.

35.21 ADDITIONAL REQUIREMENTS FOR PARKING LOTS IN RESIDENTIAL DISTRICTS OPERATED IN CONNECTION WITH A COMMERCIAL OR INDUSTRIAL USE. Any parking lot located in a residential zone operated in connection with a commercial or industrial use shall comply with . . . the following:

(b) The lot shall adjoin a commercial or industrial district and have frontage upon the same street as the property in such commercial or industrial district. A lot separated from a commercial or industrial district by an intervening street more than 30 feet in width shall not be deemed to be adjoining.

9e. CHAMPAIGN, ILLINOIS. 1950. (For text, see page 14.)

Similar provision in following ordinances:

Mesa, Arizona. 1949. (5')
 Alhambra, California. 1952. (6')
 Arcadia, California. 1949. (6')
 Bakersfield, California. 1954. (4')
 Burbank, California. 1952. (6')
 Corona, California. 1957. (6')
 Gardena, California. 1953. (6')
 Lynwood, California. 1953. (5')
 Merced, California. 1950. (6')
 Montebello, California. 1952. (6')
 Monterey Park, California. 1950. (6')
 Pasadena, California. 1952. (5')
 Riverside, California. 1953. (6')
 San Bernadino, California. 1953. (5')
 Santa Monica, California. 1950. (5')
 Jacksonville, Florida. 1954. (6')
 Anne Arundel County, Maryland. 1954. (5')
 Ann Arbor, Michigan. 1952. (6')
 Detroit, Michigan. 1949. (5')
 Midland, Michigan. 1951. (3')
 Royal Oak, Michigan. 1953. (4')
 Saginaw, Michigan. 1958. (5')
 Princeton, New Jersey. 1951. (5')
 Buffalo, New York. 1953. (Not specified)
 Columbus, Ohio. 1952. (3'6")
 Youngstown, Ohio. 1949. (5')
 Lane County, Oregon. 1949. (6')
 Springfield, Oregon. 1952. (6')

Slightly different examples follow:

CITY AND COUNTY OF DENVER, COLORADO. 1956.

612. DISTRICT REGULATIONS.

612.15 P-1 District.

612.15-2 (1)(a-6) Has a fence on each boundary of the parking lot which abuts a residential district; the fence is designed to obscure from abutting residential districts the direct light from automobile headlights;

SOUTH PASADENA, CALIFORNIA. 1954.

SECTION 3.12 OFF-STREET PARKING FOR MOTOR VEHICLES.

(L) Miscellaneous Provisions.

(4) Where a wall separates an industrial yard, parking lot or storage area from a residentially used or zoned area the required height of the wall shall be measured from the ground level or finished grade of the highest of the two levels separated by the wall. The required height of such a wall may be reduced by two feet where the difference in the finished grades or ground levels on the two sides of the wall is more than two feet and the residentially used or zoned area is on the highest side.

MILWAUKEE, WISCONSIN. 1953.

SECTION 16-7.3 USES PERMITTED IN PARKING DISTRICT.

1(f) Parking premises shall be provided with a masonry wall or other approved fence, or with one row of growing shrubbery not less than four feet in height at all adjoining lot lines except where the adjoining premises is zoned for residence use, then such masonry wall or other approved fence or growing shrubbery shall be located not less than three feet from adjoining lot line, and all that land between such masonry wall or other approved fence, or growing shrubbery and adjoining lot line shall be kept free from an accumulation of refuse or debris. Approved wheel guards shall be installed and maintained not less than eighteen inches above ground at all such fences.

Similar provision in following ordinances:

Richmond, California. 1949.
Bloomington, Indiana. 1950.
Evansville, Indiana. 1953.

9f. RIVERSIDE, CALIFORNIA. 1953.

SECTION 4.

(w) (As amended by Ord. No. 1753) ZONES B-9 OR ON-SITE AUTOMOBILE PARKING DISTRICTS. . . .

(c) Where such parking areas exist across any street from any property in either Zones E, D-2, D-3, D or C a three (3) foot masonry wall shall be erected and maintained along the front of the lot line of said parking area.

Similar provision in following ordinance:

Corona, California. 1957.

Slightly different examples follow:

COLORADO SPRINGS, COLORADO. 1951.

SECTION 24. GARAGES, FILLING STATIONS, PARKING AREAS AND USED CAR LOTS.

2. Screening. Where such uses are across the street from an R Zone, a partial screen must be provided by maintaining suitable trees (as specified by the City Forester) in the parking area in front of the aforeto mentioned use.

NEW ROCHELLE, NEW YORK. 1955.

SUPPLEMENTARY REGULATIONS.

II. Applying to Particular Residence Districts.

J. Off-Street Parking.

(4) Wherever a lot located in a residence district and used for non-accessory parking purposes is located across the street from other land in any residence district, that portion of the lot used for parking purposes shall be screened from view, except at points of ingress and egress by such walls, fences or planting as may be deemed reasonable and necessary by the Building Official to protect residential property owners.

CLARKSTOWN, NEW YORK. 1955.

ARTICLE VI. PERMITTED AND REQUIRED OFF-STREET PARKING AND LOADING FACILITIES.

6.5 Additional Regulations for Both Permitted and Required Accessory Parking Spaces and Loading Berths.

6.52 Screening and Floodlighting. Any part of any off-street parking area with 10 or more spaces, and any loading berth, located in or within 50 ft. of any R district, shall have a screen between the same and all lots within such R district including those, if any, located across a street. . . .

9g. GRAND RAPIDS, MICHIGAN. 1951.

ARTICLE VI. PARKING AND LOADING SPACES.

608. Parking Areas in Commercial and Industrial Zones.

a. Off-street parking areas shall be effectively screened on any side which adjoins or faces premises situated in any residence zone district or institutional premises, by a solid uniformly painted fence or wall not less than four or more than six feet in height maintained in good condition; provided, however, that where the adjacent owners agree in writing, a screening or hedge or other natural landscaping may be substituted for the required fence or wall. . . .

9h. AUGUSTA, GEORGIA. 1955.

SECTION 7. GENERAL USE PROVISIONS.

C. Special Purpose Off-Street Loading Space.

Subsection 4. Design Standards.

b. Where such area adjoins R-Zone, a solid wall, compact plant screen, or uniform board fence . . . maintained between such area and the side of a lot in an R-Zone, and all required front and side yards shall be properly maintained as such.

Similar provision in following ordinances:

Fort Wayne, Indiana. 1955.
Rye, New York. 1957.

9i. TOLEDO, OHIO. 1952.

SECTION 9-2-11. PARKING AREA REQUIREMENTS.

6. Development.

(a) The parking area shall be screened from all sides facing or abutting residential districts or uses by a continuous, permanent landscaped screen maintained in a healthy growing condition, neat and orderly in appearance and protected by galvanized wire link fence at least 5 feet in height and so constructed as to prohibit passage through the landscaped screened planting. Such landscaping shall be of evergreen plant material, a minimum of 3 feet in height with an expected normal growth to at least 5 feet in height.

Slightly different examples follow:

MANITOWOC, WISCONSIN. 1954.

SECTION 15.105 PARKING AREAS.

(d) Where such parcel adjoins a lot in a residential zone, a solid wall, uniformly painted board fence, or standard chain-link fence with woven wire of No. 9 gauge or heavier and mounted on steel posts, shall be provided to a height of not less than four feet nor more than six feet. In lieu of such fence or wall, a compact ever-green hedge not less than four feet high may be provided. The areas between such fences, walls, hedges, or edges of the paved area and the boundaries of the lot are to be planted with suitable ground cover and properly maintained and kept free of refuse.

CENTER LINE, MICHIGAN. 1954.

ARTICLE III. GENERAL PROVISIONS.

3.19 Requirements for the Development and Maintenance of Parking Lots.

(g) Whenever a parking lot boundary adjoins property zoned for residential use, a barrier consisting of either a four (4) foot chain link fence or a masonry wall, not less than three (3) feet in height, and a dense shrubbery planting, which shall be a planting strip composed of deciduous trees, spaced not more than forty (40) feet apart and not less than one (1) row of shrubs, spaced not more than five (5) feet apart which grow to at least five (5) feet or more in height after one (1) full growing season, shall be planted and maintained in a healthy growing condition by the owner or lessee of the property. Said wall or fence and greenbelt shall be located as follows:

1. When adjacent to the rear yard or an interior side yard, the fence or wall shall be located on the property line with the greenbelt planting strip inside of such fence or wall with a bumper rail to protect the planting.

3. When adjacent to a residential street, upon which houses face or will face, the fence or wall shall be located on or back of the building line as established for that street and a greenbelt shall be planted on the street side of such fence or wall and parallel to it. Provided, however, when all the frontage in such block is to be developed for off-street parking at the same time, the fence or wall may be placed not less than five (5) feet from the street property line with a greenbelt planting strip inside of such fence or wall with a bumper rail to protect the planting.

9j. MESA, ARIZONA. 1949.

CHAPTER 12. PARKING REQUIREMENTS AND GARAGES.

A(3) In any case where a lot in a Business B or less restricted district, used for automobile parking space under the terms of this Code, adjoins a Residence district there shall be a solid wall of wood or masonry not more than 5 nor less than 4 feet in height along the lot line of such lot which lot line forms the boundary of said Residence district, except that where such wall adjoins the front yard of the adjoining residence lot said wall shall be 3 feet 6 inches in height.

Similar provision in following ordinances:

Alhambra, California. 1952. (4')
 Arcadia, California. 1949. (3½')
 Bakersfield, California. 1954. (4')
 Burbank, California. 1952. (4')
 Corona, California. 1957. (3')
 Gardena, California. 1953. (3½')
 Merced, California. 1950. (4')
 Monterey Park, California. 1950. (3½')
 Riverside, California. 1953. (3')
 San Bernadino, California. 1953. (3')

9k. SHAKER HEIGHTS, OHIO. 1952.

CHAPTER 8. LOCAL RETAIL DISTRICT REGULATIONS.

Section 8-1. Uses Permitted.

(b) . . . wherever a parking lot or driveway thereto adjoins a residence district, such parking lot or driveway is separated from the residence district by a solid masonry wall or other effective slightly screening, at least 6 feet high and extending to but not in front of the setback building line. . . .

Similar provision in following ordinances:

Richmond, California. 1949.
 Columbus, Ohio. 1952.
 Youngstown, Ohio. 1949.

9l. TACOMA, WASHINGTON. 1953. (For text, see page 15.)

Similar provision in following ordinances:

Alhambra, California. 1952.
 Bakersfield, California. 1954.

Burbank, California. 1952.
 Merced, California. 1950.
 Richmond, California. 1949.
 San Bernadino, California. 1953.
 Santa Monica, California. 1950.
 City and County of Denver, Colorado. 1956.
 Colorado Springs, Colorado. 1951.
 Bloomington, Indiana. 1950.
 Evansville, Indiana. 1953.
 Des Moines, Iowa. 1953.
 Anne Arundel County, Maryland. 1954.
 Ann Arbor, Michigan. 1952.
 Grand Rapids, Michigan. 1951.
 Princeton, New Jersey. 1951.
 Buffalo, New York. 1953.
 Clarkstown, New York. 1955.
 Floral Park, New York. 1955.
 Syracuse, New York. 1954.
 Shaker Heights, Ohio. 1952.
 Manitowoc, Wisconsin. 1954.

A slightly different example follows:

LOS ANGELES, CALIFORNIA. 1952.

SECTION 12.21 GENERAL PROVISIONS.

A. Use.

6. Automobile Parking and Sales Areas -- Improvement.

(f) In all zones, the lights used to illuminate a public or private parking area or automobile or trailer sales area shall be arranged so as to reflect the light away from any adjacent premises in an "A" or "R" Zone.

Similar provision in following ordinances:

Mesa, Arizona. 1949.
 Augusta, Georgia. 1955.
 Fort Wayne, Indiana. 1955.
 Wichita, Kansas. 1952.
 Detroit, Michigan. 1949.
 East Detroit, Michigan. 1948.
 Livonia, Michigan. 1952.
 Royal Oak, Michigan. 1953.
 Saginaw, Michigan. 1958.
 Ogden City, Utah. 1951.
 Seattle, Washington. 1952.
 Ravenswood, West Virginia. 1958.

9m. ANNE ARUNDEL COUNTY, MARYLAND. 1954.

SECTION 3. OFF-STREET PARKING AND LOADING SPACES.

B. Parking Spaces Required.

2(b) Where parking areas are provided for five (5) or more vehicles they shall be surfaced with an asphaltic, bituminous or Portland cement binder pavement so as to provide a durable and dustless surface unless two hundred (200) feet or more distant from a Residence District in which case dustproof treatment will suffice, and shall be graded and drained so as to dispose of all surface water accumulation within the area.

Slightly different examples follow:

RAVENSWOOD, WEST VIRGINIA. 1958.

ARTICLE XIV.

14.30 Parking and Loading Areas.

14.3153 Surfacing.

. . . The foregoing requirements with respect to surfacing shall not apply to a parking area in an A or F District if more than five hundred (500) feet distant from any R-District.

AUSTIN, TEXAS. 1950.

SECTION 4. "A" RESIDENCE DISTRICT.

(13) Accessory uses, which shall include:

(g) A Public Parking Area . . . adjacent to a "C" Commercial District or Community Center, provided this area is surfaced in such a manner as not to create dust and is kept sanitary and free from trash and rubbish. . . .

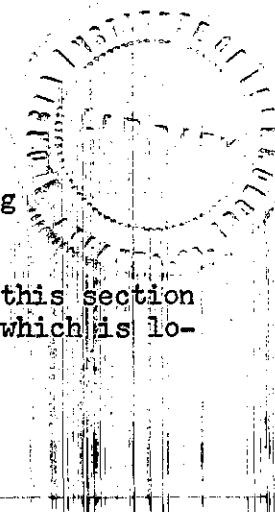
SAGINAW, MICHIGAN. 1958.

PART I. GENERAL PROVISIONS.

Chapter 4. Off-Street Parking and Loading.

Section 401. General Off-Street Parking and Loading Requirements.

(c) The requirements in sub-section (b) of this section shall not apply to a parking area in an M district which is lo-



cated more than one hundred (100) feet from any lot in any R district, except that a dustless surface shall be provided in any case.

9n. MIDLAND, MICHIGAN. 1951.

SECTION 13. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS.

B. Restricted Accessory Parking Areas.

(4) Entrances and exits to and from such parking areas shall be located within the adjoining Business or Industrial District or within such parking areas, and in either case at least twenty (20) feet distant from any adjoining premises in any Residence District, or may be on or over a street or alley.

Similar provision in following ordinance:

Grand Rapids, Michigan. 1951.

9o. SOUTH PASADENA, CALIFORNIA. 1954.

SECTION 3.12 OFF-STREET PARKING FOR MOTOR VEHICLES.

(L) Miscellaneous Provisions.

(6) Where an entrance to a parking lot is provided from a street wholly or partially included within a residential zone, such entrance shall be constructed and maintained so that any vehicle entering or leaving the parking lot shall be clearly visible at a distance not less than ten (10) feet to a person approaching such entrance on any pedestrian walk or foot path. Exits from parking lots shall be clearly posted with "STOP" signs and it shall be unlawful for a motorist to fail to stop at such sign before leaving the parking lot.

Similar provision in following ordinances:

Alhambra, California. 1952.
Bakersfield, California. 1954.
Burbank, California. 1952.
Merced, California. 1950.

Slightly different examples follow:

DETROIT, MICHIGAN. 1949.

SECTION A-9. P-1 DISTRICTS. (OPEN PARKING DISTRICT)

Section A-9.3 Ingress and Egress. Adequate ingress and

egress for vehicles to premises used for parking shall be provided and shall by no means be of streets or alleys adjacent to or extending through B2, B6, BL, BC, C6, ML, ML6, or MH districts, or by private roadways extending such districts.

ROYAL OAK, MICHIGAN. 1953.

ARTICLE XII. PARKING DISTRICTS.

Section 1203. Limitation of Use.

(2) . . . No advertising signs shall be erected on premises except directional signs at each point of ingress or egress may be erected which may also bear the name of the operator of the lot and enterprise it is intended to serve. Such signs shall not exceed twenty (20) square feet in area nor an over-all height above the ground of ten (10) feet and shall not project beyond the property line of premises where the subject premises are opposite Residence A, AA, AAA, B or C.

Similar provision in following ordinances:

Ann Arbor, Michigan. 1952.
 Detroit, Michigan. 1949.
 East Detroit, Michigan. 1948.

AUTOMOBILE SERVICE STATIONS AND GARAGES

10a. WATERTOWN, MASSACHUSETTS. 1948.

SECTION 17. LOCATION OF AUTOMOBILE SERVICES

1. No portion of a building or structure to be used as a public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station, or any of their appurtenances or accessory uses, shall hereafter be placed nearer than 50 feet on the side or nearer than 10 feet in the rear of any residence or apartment district. No driveway entrance to such premises shall be within 50 feet of any residence or apartment district. . . .

A slightly different example follows:

ELMIRA, NEW YORK. 1954.

ARTICLE XI. GENERAL PROVISIONS.

Section 59. Location of Certain Activities. Other provisions of this ordinance notwithstanding, the following uses or activities shall not be permitted within two hundred (200)

feet of any residence district:

1. Garage or shop for the painting of automobiles or for the repairing of automobile bodies or fenders involving hammering or other work causing loud or unusual noise or fumes or odors.

10b. DES MOINES, IOWA. 1953.

PART XVI. PARKING AND LOADING AREAS, PUBLIC GARAGES, PARKING LOTS AND FILLING STATIONS.

2A-41. Filling Stations, Public Garages and Parking Lots.

B. No gasoline filling station or public garage shall be permitted where any oil draining pit or fuel filling appliance is located within . . . twenty-five (25) feet from any "R" District, except where such appliance or pit is within a building.

Slightly different examples follow:

FORT WORTH, TEXAS. 1953.

SECTION 10. "F" COMMERCIAL DISTRICT.

Use Regulations:

In the "F" Commercial District no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

11. Garages, public, for repair or storage facilities for automobiles when such facilities are maintained within a building, provided no painting or body or fender repairs shall be conducted on any premises that adjoin at the side or rear of a "A", "B", "C-R", "C", or "D" District.

Similar provision in following ordinances:

Riverside, California. 1953.
Shawnee, Oklahoma. 1949.

SANTA ANA, CALIFORNIA. 1952. CITY.

ARTICLE IX. PLANNING AND ZONING.

Chapter 1. Zoning.

Section 9108. "C" (Local Commercial District).

Uses Permitted.

- (b) The following . . . provided . . . they are conducted within enclosed buildings:

2. Automobile service station provided any tube and tire repairing, battery charging, storage of merchandise and supplies are conducted wholly within buildings. Provided, further, that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, not less than five feet nor more than six feet in height is erected and maintained between such uses and any adjoining R-1, R-2 or R-3 District. No provision in this paragraph shall be interpreted to permit general automobile repairing, painting, body and fender work or steam cleaning.

Similar provision in following ordinance:

Providence, Rhode Island. 1953.

10c. DECATUR, GEORGIA. 1959.

ARTICLE IX. C-1 LOCAL COMMERCIAL DISTRICT.

A. Conditional Uses.

5. Automobile service station (open use) provided function is limited to customary service operations and no mechanical or body repair is conducted; . . . and when the station abuts a residential district, a 6-foot high solid fence or equivalent planting screen is provided and maintained. (Similar provision in C-3 Wholesale and Light Industrial District)

Slightly different examples follow:

SANTA MONICA, CALIFORNIA. 1950.

ARTICLE IX. PLANNING AND ZONING.

Chapter 1. Zoning Regulations.

Section 9111. "C2"--Limited Commercial District Regulations.

A. Uses Permitted.

3. Automobile service station, parking lot and sales area, (excluding automobile repairing); provided the lot is surfaced with asphalt or concrete and a solid ornamental wall or fence, not less than 5 feet nor more than 6 feet in height, is erected and maintained along the common lot line abutting an "R" District.

Similar provision in following ordinance:

Saginaw, Michigan. 1958. (5')

CLARKSTOWN, NEW YORK. 1955.

3.1 USE AND BULK TABLES.

Local Shopping District.

5. A filling station located on any lot line which lies within 25 feet of any R district or SC district boundary shall be screened along any such lot line, and floodlighting shall be arranged so there will be no glare of lights toward such district boundary.

BUFFALO, NEW YORK. 1953.

9. "C1" NEIGHBORHOOD BUSINESS DISTRICT. The following regulations shall apply in the "C1" neighborhood business district:

A. Permitted Uses.

5. Subject to subsection B of section 17: (a) a public parking area; (b) an automobile service station where gasoline is stored only in underground tanks approved by the fire department and having a total capacity of not more than 10,000 gallons, provided that there shall be no use of the lot other than lawn, fence or shrubbery within 15 feet of the side lot line of an adjoining lot situated in any "R" district.

RIVERSIDE, CALIFORNIA. 1953.

(x-1) (As added by Ord. No. 1585) ZONES B-10 or SERVICE STATION DISTRICTS. . . .

(x-3) (As added by Ord. No. 1585) In Zones B-10 where said property abuts property located in either Zones E, D, D-2, D-3, C or B-8, the area for a service station shall be not less than 10,000 square feet with a minimum frontage of 90 feet. In Zones B-10 where the service station abuts property located in either Zones E, D, D-2, D-3, C, or B-8 a masonry wall not less than five feet in height shall be constructed along the property abutting said zones up to the setback line, and from the setback line to the property line the masonry wall shall be not less than three feet in height. Said wall shall conform in all respects to the requirements of the Building Code of the City of Riverside, California.

10d. LOS ANGELES, CALIFORNIA. 1952.

SECTION 12.14 "C2" COMMERCIAL ZONE.

A. Use.

27. Public garages for retail service only, including automobile repairing, painting, upholstering, and body and fender work, provided that:

(c) All other operations shall be conducted within a building enclosed on at least three sides; provided further, that if the building is located within fifty (50) feet of a lot in an "RA" or "R" zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows, and such doors shall be permitted only if the building is adjacent to any alley and they may be opened only at intervals necessary for ingress or egress.

Slightly different examples follow:

BURBANK, CALIFORNIA. 1952.

ARTICLE III. USE REGULATIONS.

Section 12-307. Regulations for C-3 Zones. (Business)

(a) Uses Permitted.

(3) Automobile repair shops; . . . and if said premises abuts on property zoned for residential use, then the three sides of such building abutting such residential property shall

have no openings except stationary windows,

DECATUR, GEORGIA. 1959.

ARTICLE X. C-2 GENERAL BUSINESS DISTRICT.

A. Conditional Uses.

3. Automotive repair shops, mechanical and body, provided all operations are conducted within a building which shall not have any opening other than a stationary window 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building. (Similar provision in C-3 Wholesale and Light Industrial District)

ADVERTISING SIGNS

11a. RAVENSWOOD, WEST VIRGINIA. 1958.

14.60 SIGNS AND ADVERTISING STRUCTURES.

14.651 No such billboards, . . . shall be permitted which faces the front or side lot line of any lot in any R-District within two hundred (200) feet of such lot line,

Similar provision in following ordinances:

Des Moines, Iowa. 1953. (100')
Anne Arundel County, Maryland. 1954. (100')
Buffalo, New York. 1953. (100')

Slightly different examples follow:

MARQUETTE, MICHIGAN. 1950.

SECTION VIII. SIGN REGULATIONS.

4. General Business District.

. . . and in no case shall any sign be erected or displayed on the side street side of a corner building nor on the rear of any building if such be within 200 feet of a residence district.

Similar provision in following ordinances:

Augusta, Georgia. 1955. (50')
Bloomington, Indiana. 1950. (50')
Lewiston, Maine. 1950. (100')

LINCOLN, NEBRASKA. 1953.

ARTICLE XII. "G" LOCAL BUSINESS DISTRICT REGULATIONS.

Section 1202. Use Regulations.

23. Signs, provided, however, that (a) where this district is within seventy-five (75) feet of "A-1", "A-2", "B", "D", "E" and "F" Districts such signs shall not be closer to said district than seventy-five (75) feet except where the sign does not show directly toward such district; (Similar provision in "H-1" Highway Business District and "I" Commercial District)

ANNE ARUNDEL COUNTY, MARYLAND.

SECTION I. GENERAL.

U. Signs and Outdoor Advertisements.

1. Signs and outdoor advertisements for any commercial or industrial use shall conform with the following provisions:

- a. If the lot on which such sign or outdoor advertisement is to be located is immediately adjacent to a lot classified in a residential district, then a distance of at least four (4) feet shall intervene between the closest part of such object and the adjacent lot line of property in the residential district.

- c. Except for signs placed flat against a building any sign or outdoor advertisement erected on the ground in a commercial or industrial district on an interior lot directly abutting the side of a lot in a residential district, or on a corner lot directly abutting the side or end of a lot in a residential district, shall be so placed that no part of such sign or outdoor advertisement is nearer to the front lot line (or side street line in the case of a corner lot) than the front wall of any existing dwelling house or apartment house on such abutting lot in a residential district (or the side wall thereof where the lot abuts the end of a corner lot that is in a light commercial district).

- d. . . . In the case of a corner lot, no portion of such sign or outdoor advertisement facing the side street shall be within fifty (50) feet of the side lot line of any adjoining lot which is in any residential district.

LUBBOCK, TEXAS. 1952.

SECTION 6. REGULATIONS FOR "F" DISTRICT.

. . . one or more of the following uses: . . .

(9) Poster Boards, when such poster boards are located as follows:

(c) On vacant property, provided such poster board is not within one hundred and twenty-five (125') feet of any property zoned for residential purposes that fronts on the same street as the poster board. . . .

CHARLESTON, WEST VIRGINIA. 1954.

ARTICLE VI. BUSINESS "A" DISTRICTS.

Section 46. Uses.

(B) Other Uses.

1. Principal Uses and Buildings.

(a) Any retail business or service establishment, as follows, provided, however, that in any business "A" district not adjoining a less-restricted district or which is less than seven hundred fifty feet long and completely surrounded by residence districts, these establishments shall be limited to such as supply commodities or perform services primarily for residents of the surrounding neighborhood: . . .

Billboards, signboards, poster panels and bulletins, but not in business "A" districts less than seven hundred fifty feet long and surrounded by residence districts, limited to those billboards, signboards, poster panels and bulletins advertising business on the premises or intended to be established on the premises by the owner thereof; except that such billboards, signboards, poster panels and bulletins, whether advertising business on the premises or not, may be attached to any building; provided, in any case that such billboards, signboards, poster panels and bulletins shall not face any lot in any residence district, either directly or at an angle, shall be set back from the front lot line as otherwise required, and shall observe side yard requirements when adjoining a residence district; and provided further that, if lighted, no glare shall be produced thereby on adjoining or adjacent properties in any residence district. . . .

11b. CITY AND COUNTY OF DENVER, COLORADO. 1956.

613. PERMITTED SIGNS.

613.1 Scope of Regulations.

The regulations herein set forth shall apply and govern in all districts except the B-4, B-5, I-1 and I-2 Districts in which districts these regulations shall be of no force and effect; provided, however, that in the enumerated districts no sign, outdoor commercial advertising device or light device constituting a nuisance to an adjacent residential district, because of lighting glare, focus, animation or flashing of the sign, lighting or advertising device, shall be erected or continued in operation.

Similar provision in following ordinance:

Anne Arundel County, Maryland. 1954.

A slightly different example follows:

PHOENIX, ARIZONA. Probably 1952.

SECTION 5. USE REGULATIONS.

(1) Permitted uses.

(k) Signs appurtenant to the use of the property on which displayed and not using intermittent or flashing illumination provided that within any part of a Business A district which is in the same block and contiguous to any Residence district if such sign be illuminated, the source of light shall not be visible.

11c. CLARKSTOWN, NEW YORK. 1955.

3.1 USE AND BULK TABLES.

Retail Commerce District.

6. No primary business or vehicular entrances, show windows or signs shall be located within 50 feet of any R district or SC district boundary along any Residential street and all illuminated faces of directly illuminated signs within 150 feet of such boundary shall be placed at an angle of at least 90 degrees with such boundary line.

11d. DECATUR, GEORGIA. 1959.

ARTICLE IX. C-1 LOCAL COMMERCIAL DISTRICT.

A. Conditional Uses.

35. Sign, principal and outdoor, . . . when illuminated, do not face directly on any abutting residential district line.
(Open use)

Similar provision in following ordinance:

Ann Arbor, Michigan. 1952.

CHAPTER III

TRANSITION ZONING PROVISIONS

GOVERNING

AREA AND HEIGHT

In addition to governing use, transition zoning is also applied to area and height provisions of zoning ordinances.

Area

For purposes of this thesis, transition zoning of area is primarily the application of a district's front, side, and rear yard provisions to lots that adjoin or are within a specified distance of the district's boundary line.

There were a few transition zoning provisions, however, which were identified as governing area as such. These provisions usually regulated the minimum lot-area of a residential use in a non-residential district located on property adjoining a residential district. In such instances, the lot-area per family regulations were the same as those required by the adjoining residential district (12a), or the lot-area per family requirements were a specified number of square feet (12b).

Front Yards

In transition zoning there are at least three situations in which front-yard provisions of one district govern the depth of front yards of adjoining lots located in another district. Front-yard provisions of one district may be applied to property in an adjoining district where:

(1) two districts with different setback requirements abut within the same block and front upon the same side of a street; (2) different use districts front upon opposite sides of a street between two intersecting streets; and, (3) a district surrounds or partially surrounds another district.

Provisions regulating front-yard setbacks of two districts that adjoin and front upon the same side of a street within the same block.--There are various ways that front-yard setbacks may be regulated where two adjoining districts front upon the same side of a street within the same block. In general, however, the usual practice is to apply the front-yard provisions of the most restricted district (13a), or those of a particular use district (13b) to the entire frontage on one side of a street between two intersecting streets. Zoning of this nature is very effective where a district with no front-yard setback requirements abuts a district which does require a front-yard setback (13c).

There are various modifications of these general transition zoning ordinance provisions. For instance, some provisions require the frontage of a district to occupy a specified per cent of the total frontage of one side of a block before its front-yard requirements may be applied to an adjoining district. In Bloomington, Indiana, where 40 per cent or more of the frontage on one side of the street in any block is zoned for residential purposes, the front-yard requirements of the residence district shall apply to the entire frontage (13d). A transition zoning provision in the zoning ordinance of Stevens Point, Wisconsin, requires that 50 per cent of a block must lie in a residential district before front-yard provisions may be applied to an abutting commercial or indus-

trial district (13e). In other ordinances, where a commercial and residential district adjoin within the same block and on the same side of a street, a front-yard setback for any commercial building shall equal one-half the front-yard regulations (13f) or a per cent of the required front-yard depth of the adjoining residential district (13g).

Another common practice is to apply the setback provisions of one district to an adjacent district for a specified distance from the district boundary line. For example, where a residential district and a commercial district front upon the same side of a street provisions governing residential front yards may be applied to that part of the commercial district located within 30 feet (13h), or 500 feet (13i), of the residential district.

Provisions regulating different use districts fronting upon opposite sides of a street.--Where the center line of a street coincides with the boundary line of a residential district and a commercial or industrial district, many ordinances require the front-yard setback of the residential district to apply to the commercial district or the industrial district (13j). A variation of this practice is to require that where an industrial district lies across the street from a residential district, a front yard equal to one-half of the depth of a front yard in the residential district shall be maintained in the industrial district (13k). Or, there shall be a front yard of a specified depth for an industrial district lot that is in the same block with, or across the street and within 100 feet from a residential district (13l).

In Tyler, Texas, where two classes of business or industrial districts with different front-yard requirements front on opposite sides of

a street the maximum front-yard requirement applies to both sides. However, if the street is more than 80 feet wide the front-yard requirements of the less restricted district apply to both sides of the street (13m).

Provisions governing front-yard setbacks in a district surrounded or partially surrounded by a residential district.--Sometimes an ordinance will require that where a commercial district is either surrounded or partially surrounded by a residential district, a front yard of a specified depth shall be maintained in the commercial district (13n). But, when a commercial district that is surrounded by a residential district exceeds a specified size, residential front-yard regulations may not be applied to the commercial district in other provisions (13o).

Side Yards

While there are a number of ways that transition zoning may be applied to side yards, there appear to be only two situations in which this type of zoning is applied. First, where two districts with different side-yard requirements abut each other provisions regulating side yards in one district may be applied to the other district. And, second, where the side-yard provisions of a district may be applied only to the side of property which faces the district from across a street that serves as the district's boundary.

Provisions regulating adjoining districts with different side-yard requirements.--One of the most fundamental of all transition yard clauses is to require the sides of commercial and industrial district lots that are adjacent to residential districts to conform to the provisions governing side yards in residential districts. However, such a clause, in

its simplest form seldom appears in a zoning ordinance without one or more requirements attached to it. For example, several ordinances require that where a business district adjoins a residential district, a side yard shall be provided on the residential side of the business lot as wide as the narrowest side yard (14a) or equal to the average width of a side yard (14b) required for the adjoining residential lot.

Another practice is to require a special width for a commercial or industrial side yard that adjoins a residential district. For example, where a commercial district adjoins a residential district, the side-yard setback of a commercial building may not be less than eight feet from the residential district boundary nor 12 feet from any existing residence (14c). Other regulations prohibit off-street parking or the storage of materials from being located within required side-yard setbacks (14d).

Occasionally, the width of side yards of the lots in a commercial district that abuts a residential district in a block is governed by the side-yard regulations of the residential district if the residential district occupies the greater percentage of the block (14e).

In many ordinances, the height of a commercial or industrial building on a lot adjoining a residential district determines the width of the non-residential side yard to be maintained along the residential district boundary. One method in such a case is to require the non-residential yard to equal the width of the side yards required of residential structures that have the same height as the commercial or industrial use (14f). Often provisions will require that the side-yard setback of a non-residential building adjacent to a residential district be

proportionate to the height of the commercial or industrial building itself. Such provisions usually have two parts. First, a minimum width is required for the setback. And, second, a height-of-building-to-width-of-side-yard ratio is established for any additional height or number of stories that a building may have beyond a specified height or story. For instance, this latter part might require that for every 10 feet of additional height of a building above 35 feet the side yard abutting a residential district shall be increased five feet (14g). Other provisions require the width of a non-residential side yard to be equal to a fraction, such as one-half (14h) or one-sixth (14i), of the height of a commercial or industrial building on a lot which adjoins a residential district.

Where a non-residential district corner lot abuts in the rear a lot in a residential district the width of the corner lot's side yard along a side street may be governed by transition zoning provisions. In such a case, some provisions may require the side-yard width to be not less than a specified number of feet (14j), while other provisions apply the requirements for either the residential lot's side-yard width (14k) or front-yard depth (14l) to the width of the corner lot's side yard. A modification of these provisions may require that the corner lot's side yard equal the depth of the abutting residential front yard minus 10 feet (14m), or that the side yard in question need not exceed 10 feet (14n). Generally, however, the side yard may be not less than one-half of the required width of the adjoining residential lot's side yard (14o), or less than one-half of the required depth of the adjoining residential lot's front yard (14p).

Provisions of a district applied only to the side of property which faces the district from across a street that serves as the district's boundary.--The following clause was the only one identified in the zoning ordinances reviewed as an example of transition zoning which applied the side-yard provisions of one district to the side of property which faces the district from across a street that serves as a boundary line for the two districts:

ST. PETERSBURG, FLORIDA. 1952.

ARTICLE XIII. "J" LIGHT INDUSTRIAL DISTRICT REGULATIONS.

Section 4. Area Regulations.

2. Side Yard: . . . And except where the property across the street is zoned for residential purposes, in which event, a side yard equal to one-half of that required for the residential district shall be required on the side of the lot facing such residential zoned property. (14q)

Rear Yards

In many zoning ordinances rear yards are not required in non-residential districts except where property in such a district adjoins a residential district or abuts in the rear upon a residential district. In either situation, a transition zoning provision may require the non-residential property to have a rear yard. The depth of the non-residential lot's rear yard may: (1) be equal to the depth of rear yards in the residential district; (2) be twice the width of side yards in the residential district; (3) depend upon whether the non-residential lot is an interior lot or a corner lot; (4) be a specified per cent of the total depth of the non-residential lot; and (5) be determined by the height of a building located on the non-residential lot.

Transition zoning that requires non-residential district lots

which border in the rear upon residential district lots to have a rear yard equal to the depth of residential rear yards does not appear to be applied very often. The few provisions that were so identified either required the non-residential district lot to have the same rear yard (15a) or to comply with the regulations governing rear yards (15b) in the adjoining residential district.

The following clause was the only one identified in the zoning ordinances reviewed as an example of transition zoning which required non-residential district lots that border in the rear upon residential district lots to have a rear yard twice the width of residential side yards:

ROBBINSDALE, MINNESOTA. 1945.

SECTION 9. GENERAL PROVISIONS AND EXCEPTIONS.

C. Yards.

(2) Rear Yard Requirements.

(b) On every lot in the commercial district the rear of which borders on property in the residential district, there shall be a rear yard of a depth equal to not less than twice the width of a side yard required in the residential district. (15c)

Occasionally, a zoning ordinance will include depth requirements for rear yards of non-residential corner and interior lots which border in the rear upon residential district lots in a single provision. Usually, such a provision requires the depth for the corner lot rear yard to be less than the depth for the interior lot. For example, when the rear of a lot in a light industrial district abuts a dwelling district in Tacoma, Washington, there shall be a rear yard having a depth of not less than 20 feet for interior lots and 15 feet for corner lots (15d).

Sometimes, transition zoning provisions require the depth of rear yards of non-residential lots that border a residential district to be 10 per cent (15e), 20 per cent (15f), or 25 per cent (15g) of the total depth of the non-residential lot. Generally, provisions of this nature establish a specified number of feet as the minimum permissible depth of a rear yard as well as a maximum required depth of a rear yard.

Transition zoning may relate the height of a non-residential building on a lot that borders a residential district to the depth of the lot's rear yard. For instance, a provision may require the rear-yard depth of such a lot to equal the height of the main building located upon it (15h). Usually, the method of applying building height to depth of rear yards is to increase the depth of the yard in proportion to the number of stories of the building (15i). Provisions of this type may require that for the first story a specified rear-yard depth shall be established, but for each story above the first, the depth of the rear yard shall be increased by a specified number of feet.

General Yard Provisions

Zoning ordinances frequently include general or supplementary transition zoning yard provisions. Provisions of this type are similar to those transition zoning provisions that have been cited in the foregoing subsections of this chapter which concerned front, side, and rear yards. But, instead of applying only one yard requirement, transition zoning yard provisions that are general in content may require that regulations governing two yards, such as the side and rear yard, or provisions governing all the yards in one district shall regulate setbacks for buildings upon adjoining lots that are located in another district.

Many general transition zoning yard provisions require that where two districts with different yard requirements adjoin, property along the district boundary in the least restricted district shall comply with yard requirements of the more restricted district (16a). Other provisions require that the yard provisions of the more restricted district shall be applied to the less restricted district within a specified distance of the district boundary (16b). Modifications of these provisions often specify the type of district, such as a commercial or industrial district, that is to comply with regulations governing only the front and side yards (16c) or side and rear yards (16d) of an adjoining residential or more restricted district. No provisions were noted that required lots in a non-residential district which adjoin a residential district to comply with both front and rear yard provisions of the residential district.

Height

Several of the ordinances reviewed for this thesis contained transition zoning provisions which regulated the height of buildings. In the provisions noted herein, transition zoning governs the height of a building on a lot which adjoins or is within a specified distance of a district with height regulations that differ from those which govern the district wherein the building is located. Usually, in such instances, the building may not be permitted to exceed a specified height or the building may exceed a specified height if prescribed conditions can be met.

Transition zoning that limits the height of non-residential structures includes not only those that border upon (17a) but also

those that lie within a specified number of feet of a residential district (17b). These provisions usually restrict the number of stories or the height that a building may have if it is located within a specified distance of an adjoining residential district.

Several ordinances require that where a building in a less restricted district adjoins a more restricted district, the height of the building may exceed the maximum permitted height provided the required side yards (17c), rear yards (17d), side and rear yards (17e), or all yards (17f) are increased.

Summary

Transition zoning of area primarily requires regulations governing yards in a more restricted district to be applied to lots that adjoin the district's boundary and are located in a less restricted district. Such zoning also applies in a variety of ways only the front-yard provisions, the side-yard provisions, or the rear-yard provisions of a more restricted district to lots that adjoin the district's boundary and are located in a less restricted district.

Transition zoning that regulates height of buildings is not prevalent in zoning ordinances. But, in provisions where such zoning is applied, the height of a building is usually restricted to a specified number of stories or feet when the building is on a lot that adjoins or is within a specified distance of the boundary of a more restricted district. A variation of this type of zoning permits the height of such a building to be increased provided additional yard requirements can be met.

FOOTNOTES

CHAPTER III

AREA

LOT-AREA

12a. COLLEGE PARK, GEORGIA. 1957.

ARTICLE XIV. "C-1" COMMUNITY BUSINESS DISTRICT REGULATIONS.

Section 5. Area Regulations.

4. Lot Area Per Family: (a) When a lot is improved with a single-family dwelling or a two-family dwelling, the lot area per family regulations are the same as those required in the most restrictive adjoining "R" (residential) District.

12b. WICHITA, KANSAS. 1952.

SECTION 19. "LC" LIGHT COMMERCIAL DISTRICT REGULATIONS.

5. Area Regulations.

(d) Lot Area Per Family.

In those portions of the "LC" District which adjoin and front upon the same street as the "AA" (One-Family) Dwelling District, the minimum lot area per family shall be not less than six thousand five hundred (6,500) square feet, excepting that on corner lots, the lot area per family shall be not less than three thousand (3,000) square feet.

In those portions of the "LC" District which adjoin and front upon the same street as the "A" (Two-Family) Dwelling District, the lot area per family shall be not less than three thousand (3,000) square feet, provided that on corner lots, the lot area per family shall be two thousand two hundred (2,200) square feet.

In those portions of the "LC" District which adjoin and front upon the same street as the "RB" (Four Family) Dwelling District, the minimum lot area per family shall be one thousand five hundred (1,500) square feet.

FRONT YARDS

13a. LONG VIEW, TEXAS. 1948.

ARTICLE X. USE, HEIGHT AND AREA REGULATIONS FOR "K-1"
COMMERCIAL DISTRICT.

Section 3. Area Regulations.

1. Front Yard.

. . . where a higher use district adjoins the "K-1" Commercial District on the side in the same block, in which case the front yard shall conform to the more restricted use district front yard regulations. (Similar provision in "K-2" Commercial District)

A slightly different example follows:

ATLANTA, GEORGIA. 1954.

ARTICLE XVI. "C-3" COMMERCIAL DISTRICT REGULATIONS.

Section 5. Area Regulations.

1. Front Yard. No front yard is required . . . except where the frontage on one side of a street between two intersecting streets is partly in the "C-3" Commercial District and partly in a dwelling or more restricted commercial district, in which event the front yard regulations of the dwelling or more restricted commercial district shall apply.

13b. OKLAHOMA CITY, OKLAHOMA. 1947.

SECTION 8. "F" COMMERCIAL DISTRICT REGULATIONS.

Area Regulations.

1. Front Yard: Where the frontage on one side of the street between two intersecting streets is located partly in the "F" Commercial District and partly in a dwelling district, an "E" Local Commercial District, or a "G" Restricted Light Industrial District, the front yard requirements of the dwelling district or of the "E" Neighborhood Commercial District, or of the "G" Restricted Light Industrial District, as the case may be shall apply to the "F" Commercial District.

13c. FAYETTEVILLE, ARKANSAS. 1951.

SECTION 9. "G" INDUSTRIAL DISTRICT REGULATIONS.

Yard Regulations and Area Requirements.

Front Yard: In the "G" Industrial District, front yards shall be as follows:

2. In compliance with the provisions of the adjoining district where a part of the frontage is in a district requiring front yards.

Similar provision in following ordinance:

Oklahoma City, Oklahoma. 1947.

A slightly different example follows:

BRAWLEY, CALIFORNIA. 1947.

SECTION 8. "C-1" NEIGHBORHOOD COMMERCIAL ZONE.

C. Front Yard.

There shall be a front yard of not less than ten (10%) of the depth of the lot, provided such front yard need not exceed fifteen (15) feet and provided further that this requirement shall apply only if the frontage in "C-1" is in the same block as, and is a continuation of, contiguous frontage in an "R" Classification.

Similar provision in following ordinance:

Coronado, California. 1949.

13d. BLOOMINGTON, ILLINOIS. 1941.

SECTION 8. HEIGHT AND AREA REGULATIONS--. . . .

. . . Where forty per cent or more of the frontage on one side of the street in any block is zoned for residence purposes and the remainder as a less restricted district, the front yard requirements of the residence district shall apply to the entire frontage.

13e. STEVENS POINT, WISCONSIN. 1936.

SECTION 8. EXCEPTIONS AND REGULATIONS.

(B) Area. (6) Where lots comprising fifty (50) per cent or more of the frontage on one side of a block are in

the One and Two-Family District and/or the Multiple Dwelling District and the remaining lots are in the Business District, Light Industrial District, and/or Heavy Industrial District, the front yard regulations applicable in the One and Two-Family District or Multiple Dwelling District respectively shall apply to the entire frontage, but where less than fifty (50) per cent of the frontage is in the One and Two-Family District and/or the Multiple Dwelling District, no front yard shall be required on any of such frontage.

13f. DES MOINES, IOWA. 1953.

PART XI. "C-2" COMMERCIAL DISTRICT.

2A-25. Lot Area, Lot Frontage and Yard Requirements.

2) . . . Where the frontage on one side of the street between two intersecting streets is located in the "C-2" Commercial District and a "C-1" Commercial District or "R" Residence District one-half ($\frac{1}{2}$) of the front yard requirements of the "C-1" Commercial or "R" Residence District shall apply to the "C-2" Commercial District.

Slightly different examples follow:

KANSAS CITY, MISSOURI. 1952.

SECTION 58-10. DISTRICT C-2--LOCAL RETAIL BUSINESS.

2. Front and Side Yards.

(a) There need be no front or side yard in this district except where the district abuts or adjoins a District R-1, R-2, R-3, R-4 or R-5 within the same block and on the same side of a street.

When this situation occurs, and the majority of the buildings or lots in the residential district face on the above street, there shall be a set-back from the said street for any building in the business district equal to one-half ($\frac{1}{2}$) of the front yard requirement for the abutting or adjoining residential district. . . .

REDWOOD CITY, CALIFORNIA. 1948.

SECTION 10. REGULATIONS FOR C-1 DISTRICTS (Limited Commercial)

Section 10.1 (c) Yards Required.

None except: 1. Where the frontage in a block is 10-

cated adjacent to a dwelling district in which case the front yard depth or side yard width on the street side adjacent to the dwelling district shall be at least one-half the depth of the front yard required in the adjacent dwelling district;

13g. NEWARK, NEW JERSEY. 1954.

ARTICLE II. DISTRICTS AND REGULATIONS.

Section 36.7 First business district regulations.

4. Area regulations.

a. Front yard. . . . Where the frontage on one side of the street between two intersecting streets, is located partly in the Business District and partly in a Residence District, 40% of the average setbacks of the front yard requirements of the Residence District shall apply to the entire frontage in the Business Districts.

A slightly different example follows:

SYRACUSE, NEW YORK. 1954.

SECTION 5.4 REGULATIONS.

Article 5.4.12 Adjoining Business, Residential District:
Front Yards.

Where the frontage on one side of a street between two intersecting streets or between an intersecting street and dead end of a street or cul-de-sac is partly in a residential and partly in a non-residential use district the setback requirement of the residential district shall apply to the non-residential frontage, except where the non-residential frontage exceeds fifty (50) per cent of the total frontage between such intersecting streets or between such intersecting street and dead end or cul-de-sac, and further provided that on corner lots in said block which front on one of such intersecting streets, side yard or set-back lines shall not be required to exceed fifteen (15) per cent of the total front width of said lot.

13h. ST. PAUL, MINNESOTA. 1949.

ARTICLE III. SET BACKS.

Section 16.

(a) . . . And further provided, that where a street

wall line adjoins a less restricted or a street wall line exempt from the provisions of this section the adjoining street wall line for the nearest 75% of the frontage and not in excess of 30 ft. in any case, may conform to the provisions of this section as they apply to the less restricted or exempt street wall line which it adjoins.

Slightly different examples follow:

LYNCHBURG, VIRGINIA. 1949.

ARTICLE VIII. BUSINESS "G" DISTRICTS.

Section 5232. Yards.

2. Front Yards.

(b) Where the lots contained within a block are partly in a Business "G" District and partly in any residence district, the front yard requirements for the residence district shall apply to the entire street frontage in both districts, or 20 feet, whichever distance is the greater. Where applicable, the provisions of this section shall take precedence over the other provisions of this section with reference to front yard requirements in business "G" districts.

MARQUETTE, MICHIGAN. 1950.

SECTION 6. HEIGHT AND PLACEMENT REGULATIONS.

4. Exceptions and Modifications.

D. Where the frontage on one side of the street between two intersecting streets is zoned partly as a residence district and partly as a business district, the front yard requirements of the residence district shall prevail for a distance of not less than 50 feet into the business district.

CEDAR RAPIDS, IOWA. 1953.

ARTICLE X. "B-2" COMMERCIAL DISTRICT REGULATIONS.

Section 5. Area Regulations.

1. Front Yard. No front yard is required except where the frontage on one side of a street between two intersecting streets is partly in the "B-2" Commercial District and partly in a dwelling or neighborhood shopping dis-

trict, in which event the front yard regulations of the dwelling or shopping district shall apply for a distance of two hundred (200) feet from such districts.

READING, MASSACHUSETTS. 1948.

PART I. DISTRICTS.

Section 12. Yard Regulations in Business Districts.

1. Front Yards. Where a business "B" district adjoins a residential district on the street line, no new building shall be constructed and no existing building shall be altered, enlarged or extended in said business district so that it shall be nearer than five (5) feet to such street line for a distance eighty (80) feet measured along the street line from the boundary line between the districts.

Similar provision in following ordinances:

Cambridge, Massachusetts. 1943.
Newburyport, Massachusetts. 1940.

13i. EAST CHICAGO, INDIANA. 1947.

ARTICLE X. "G" HEAVY INDUSTRIAL DISTRICT REGULATIONS.

Section 4. Area Regulations.

1. Front Yard.

. . . Where the frontage on one side of the street between two intersecting streets is located in a "G" Heavy Industrial District and a dwelling, commercial, or business district, the front yard requirements of the dwelling, commercial, or business district shall apply to the "G" Heavy Industrial District for a distance of not less than five hundred (500) feet from the boundary line of the dwelling, commercial, or industrial district.

Similar provision in following ordinance:

Cedar Rapids, Iowa. 1953. (200')

13j. ST. LOUIS PARK, MINNESOTA. 1949.

"A" DENSITY DISTRICT.

Section 19.4 Where the frontage on one side of a

street between two intersecting streets is located in a Commercial, Light or Heavy Industrial District, and the frontage on the opposite side of the street is located in a Residence or Multiple Dwelling District any setback regulations required in such Residence or Multiple Dwelling District shall also be required in the Commercial, Light or Heavy Industrial Districts.

Slightly different examples follow:

CEDAR RAPIDS, IOWA. 1953.

ARTICLE XII. "M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS.

Section 5. Area Regulations.

1. Front Yard. . . . Where the frontage on the opposite side of the street is occupied by a residential district, the front yard requirements of the residential district shall apply to the "M-1" Light Industrial District. (Similar provision in "M-2" Heavy Industrial District)

HAMTRAMCK, MICHIGAN. 1947.

SECTION 8. B1 DISTRICTS.

Section 8.3 Front Yard.

When the frontage on one side of the street, located in a B1 District, is opposite a Residence District, the front yard requirements of the more restricted district shall apply. Such front yards shall be properly landscaped in keeping with the character of the more restricted district.

Similar provision in following ordinance:

Rye, New York. 1957.

13k. ST. PETERSBURG, FLORIDA. 1952.

ARTICLE XIII. "J" LIGHT INDUSTRIAL DISTRICT REGULATIONS.

Section 4. Area Regulations.

1. Front Yard: Where all the frontage on one side of a street between two intersecting streets is located in the "J" Light Industrial District, no front yard shall be required, unless the property across the street is zoned for residential or multi-family use, in which event a front yard equal to one-half of that required for the residential

district shall be required, but not in excess of a depth of twenty (20) feet. . . . (Similar provision in "K" Heavy Industrial District)

131. PORT ALLEN, LOUISIANA. 1953.

SECTION 7(b). DEFINITIONS, COMMENTS AND EXPLANATIONS.

Note D.

(3) . . . For other structures in a Commercial "C" Zone and in a Light Industrial "L" Zone no front, side or rear yards shall be required except in the following cases:

(a) Where a lot is across the street from a Residential "R" Zone, or where the side of a lot abuts on a Residential "R" Zone, there shall be a front yard having a depth of not less than fifteen (15) feet.

Slightly different examples follow:

FAIRIBAULT, MINNESOTA. 1949.

SECTION 11. M2 DISTRICT (HEAVY MANUFACTURING).

Provided that where an M2 District is across the street from an R1, R2, R3 or R3H District there shall be maintained along the frontage of said M2 District a strip of land 15 ft. in width which shall be landscaped with grass and shrubbery excepting that this 15 ft. may be used in part or whole for offices and display rooms. . . .

PHILADELPHIA, PENNSYLVANIA. 1953.

SECTION 20.6 LIMITED INDUSTRIAL DISTRICT.

Area Regulations.

(18) Building Set-Back Line. The required building set-back line shall be twenty (20) feet back from the street line, except for properties in the same block with, or opposite (across the street) and within one hundred (100) feet from, a Residential or Park District in which case it shall be fifty (50) feet.

Similar provision in following ordinance:

Clifton, New Jersey. 1954.

13m. TYLER, TEXAS. 1948.

SECTION 15. FRONT YARDS.

(7) Where the frontage on the two sides of a street, between two intersecting streets, is zoned for two classes of business or industrial districts with different front yard requirements, the maximum required front yard shall apply to both sides unless the right-of-way width of the street is eighty feet or more. On such streets with eighty feet or more in width, the front yard requirement for the less restricted district shall apply to both sides of the street.

13n. BRISTOL, RHODE ISLAND. 1931.

SECTION 9. BUSINESS F DISTRICTS.

C. Front Yards.

In a business F district which is entirely surrounded by residence A, B, C or D districts every building hereafter erected shall have a front yard not less than 15 feet in depth between a front line and the building and not less than five feet in depth between a side street line and the building.

13o. WICHITA, KANSAS. 1952.

SECTION 19. "LC" LIGHT COMMERCIAL DISTRICT REGULATIONS.

5. Area Regulations.

(a) Front Yard.

. . . In all other locations in the "LC" District, the minimum front yard setback shall be ten (10) feet;

PROVIDED, that this setback restriction shall not be required on a lot located in a portion of an "LC" District consisting of nine hundred (900) feet or more in continuous length, nor shall this setback restriction apply if the "LC" District adjoins a "C", "D", "E" or "F" District and the total distance of such districts which adjoin each other is nine hundred (900) feet or more in continuous length. . . .

SIDE YARDS

14a. PRINCETON, NEW JERSEY. 1951.

SECTION 9. BUSINESS B1 DISTRICTS.

(b) Yards.

(3) Side Yards.

(iii) When a lot in a Business B1 District adjoins a lot in a Residence District at the side, a side yard shall be provided on the residential side of the business lot, as wide as the narrowest side yard required for the adjoining residential lot. (Similar provision in B2 Business District)

Similar provision in following ordinances:

Clifton, New Jersey. 1954.
Collinswood, New Jersey. 1953.
New Brunswick, New Jersey. 1952.
Passaic, New Jersey. 1951.
Akron, Ohio. 1951.
Allentown, Pennsylvania. 1953.

14b. LAWRENCE, MASSACHUSETTS. 1943.

ARTICLE VIII. APPLICATION OF AREA REGULATIONS AND EXCEPTIONS

Section 19. Side Yards.

(d) In any Business or Industrial District a building not used in whole or in part as a place of residence shall not require a side yard except where the side line of the lot upon which the building is located is common to the side lot line of a lot in an adjoining Residence District. In such case a yard at least equal to the average width of side yard required in such Residence District shall be provided adjacent to the side line of the lot in the adjoining Residence District.

14c. SHELTON, CONNECTICUT. 1953.

SECTION 6. COMMERCIAL DISTRICTS.

6.7 A lot in any Commercial District where adjacent to the boundary of a Residence or Rural District shall have a strip not less than 12 feet in width along such boundary, which strip shall be suitably landscaped and not used for

parking or for any purpose prohibited in such Residence or Rural District.

Slightly different examples follow:

ROME, NEW YORK. 1947.

SECTION 5.

E. Commercial Districts.

10. Where the Commercial District adjoins a Residence District no commercial structure shall be built nearer than eight (8) feet from the Residence District line at its front setback line, or twelve (12) feet from an existing residence, whichever distance is the greater.

STEVENS POINT, WISCONSIN. 1936.

SECTION 6. LIGHT INDUSTRIAL DISTRICT REGULATIONS.

(C) Area Regulations.

(1) Side Yards.

(d) No building or use which is excluded from the Business District shall be permitted within ten (10) feet of any lot in the One and Two-Family District or any lot in the Multiple Dwelling District. (Similar provision in Heavy Industrial District)

14d. CALVERT CITY, KENTUCKY. 1957.

SECTION 10. PROVISIONS GOVERNING LIGHT INDUSTRIAL DISTRICT.

Minimum Yards.

Where this district borders a residence district a 20 foot side or rear yard shall be maintained in which there shall be no building, structure, storage of materials or parking of vehicles.

Similar provision in following ordinance:

Shelton, Connecticut. 1953. (30')

14e. KANSAS CITY, MISSOURI. 1952.

SECTION 58-10. DISTRICT C-2 -- LOCAL RETAIL BUSINESS.

2. Front and Side Yards.

(a) There need be no front or side yard in this district except where the district abuts or adjoins a District R-1, R-2, R-3, R-4 or R-5 within the same block and on the same side of a street.

. . . and when the side property line of residential property forms the greater portion (at least 70%) of the street property line in the residential district, there shall be a setback in the business district equal to the side yard requirement for the said residential district . . . but need not be more than eight (8) feet.

14f. SYRACUSE, NEW YORK. 1954.

SECTION 5.4 REGULATIONS.

Buildings or structures hereafter erected or altered in any non-residential district, on a lot adjacent to or abutting on a residential district shall comply with the following requirements:

1. Side Lot Lines: Along the side lot line of a non-residential use lot adjoining a residential district there shall be provided a yard of at least the minimum width required for side yards for residential structures of equal height in such residential districts.

14g. FLORENCE, SOUTH CAROLINA. 1952.

SECTION 9. B-1 DISTRICT, RETAIL BUSINESS.

E. Yards Required.

2. For purposes other than residential, the following regulations shall apply:-

b. Side and/or Rear Yards. On every lot in a B-1 district there shall be a side and/or rear yard provided as follows:

(1) Where a B-1 district abuts upon the side of a lot zoned as residential, there shall be a side yard of not less than five (5) feet in width, and an additional side yard width of five (5) feet for every ten (10) feet additional

height above thirty-five (35) feet shall be added when structures so exceed.

Slightly different examples follow:

YORK CITY, PENNSYLVANIA. 1950.

ARTICLE IX. M-1 INDUSTRIAL DISTRICTS.

Section 902. Frontage, Height and Area Regulations.

5. Side Yard.

a. Where the side line of a lot in an industrial district adjoins the side line of a lot in a residence or commercial district, buildings on such lots in the industrial district shall not be built nearer to such common lot line than fifteen (15) feet for a maximum building height of twenty-five (25) feet; and such lot width shall be increased one (1) foot for every foot of height increase above twenty-five (25) feet to fifty (50) feet; and one-half foot of lot increase for every foot of height increase from fifty (50) feet to seventy (70) feet, and such required open space shall be maintained as an open yard or buffer space and kept free of all other uses other than a driveway. (Similar provision in M-2 Industrial District)

SANTA MONICA, CALIFORNIA. 1950.

ARTICLE IX. PLANNING AND ZONING.

Chapter 1. Zoning Regulations.

Section 9112. "C3" Commercial District Regulations.

C. Area Requirements.

3. Side Yards. Where the side of a lot in the "C3" District abuts upon the side of a lot in an "R" District, there shall be a side yard of not less than 10 per cent of the width of the lot, but need not exceed 5 feet and shall not be less than 3 feet in width, except that for buildings more than 3 stories in height, such side yard shall be increased 1 foot in width for each additional story to and including the eighth story, (Similar provision in "M2" Industrial District--2 feet for each additional story to and including the sixth story)

BLOOMINGTON, INDIANA. 1950.

TITLE V. BUSINESS ZONE REGULATIONS.

Section 116. B1 Limited Business Zone.

C. Area.

2. SIDE YARD -- Where the side of a lot in the B Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such side yard shall not be less than 6 feet in width. . . . (Similar provision in B2 Downtown Business, B3 General Business and Industrial Zones)

Similar provision in following ordinances:

Augusta, Georgia. 1955.
 Evansville, Indiana. 1953.
 Fort Wayne, Indiana. 1955.
 Providence, Rhode Island. 1953.

14h. SHAKER HEIGHTS, OHIO. 1952.

CHAPTER 8. LOCAL RETAIL DISTRICT REGULATIONS.

Section 8-4. Yard Regulations.

(b) Side Yards - . . . Any building on a lot which adjoins a dwelling in a residence district or a vacant lot in a residence district, shall have a side yard on that adjoining side of not less than one-half the height of the building but such side yard need not exceed 10 feet. (Similar provision in General Retail and Commercial Districts)

A slightly different example follows:

TRENTON, NEW JERSEY. 1956.

ARTICLE VII. BUSINESS A DISTRICTS.

Section 701. Yard, Area and Height Provisions.

Side Yards.

2. When a lot in a Business A District adjoins a lot in a Residence District at the side, a side yard shall be provided on the residential side of the business lot, with a width of the two side yards required in the adjoining Residence District, the same to be calculated in relation to the height of the business structure to be erected. (Similar

provision in Business B and Industrial A Districts)

14i. EAST CLEVELAND, OHIO. 1954.

AREA DISTRICTS.

Side Yards.

Section 17.400

In a Class U3, U4, or U5 district no side yard shall be required, except that where the side of the lot adjoins a Class U1 or U2 district the side yard shall be not less than one-sixth the height of the building.

44. ROSWELL, NEW MEXICO. 1947.

ARTICLE VIII. "D" COMMERCIAL DISTRICT REGULATIONS.

Section 5. Area Regulations.

2. Side Yard.

(b) on the street side of a corner lot that rears upon a dwelling district, in which case there shall be a side yard of not less than five (5) feet. (Similar provision in "F" Industrial District)

Similar provision in following ordinances:

Baton Rouge, Louisiana. 1953. (5')
Port Allen, Louisiana. 1953. (5')
Anne Arundel County, Maryland. 1954. (15')
Midland, Michigan. 1951. (Res A--20'; Res
B--15')
Carlsbad, New Mexico. 1953. (5')

Slightly different examples follow:

OAK PARK, ILLINOIS. 1947.

ARTICLE XII. "H" BUSINESS DISTRICT REGULATIONS.

Section 5. Area Regulations.

2. Side Yard: . . . Where a lot is used for any of the commercial purposes permitted in this district and is located at the intersection of two or more streets, where a dwelling district adjoins the rear of said lot, the side yard on the side of the lot adjacent to the street shall not

be less than ten (10) feet in width, except that the buildable width of the lot shall not be reduced to less than twenty-five (25) feet. . . .

PHOENIX, ARIZONA. Probably 1952.

SECTION 5. USE REGULATIONS.

D. Business A -- Neighborhood Business District.

(2) Yards required: None, except

(b) Each corner lot in a Business A District shall have a side yard on the street side of such lot which yard shall not be less than 5 feet in width, provided, however, that if the rear line of any such corner lot adjoins the side or rear line of a lot in any Residence District or is separated therefrom only by an alley, there shall be a side yard on the street side of such lot which yard shall not be less than 10 feet in width.

Similar provision in following ordinances:

Mesa, Arizona. 1949. (10')

Midland, Michigan. 1951. (10')

PASADENA, CALIFORNIA. 1952.

CHAPTER III. LAND USE ZONES AND RESTRICTIONS.

Section 3.60 Zone C-2. Limited Business Zone.

(D) Side Yard. . . . Where the street line of a corner lot in Zone C-2 is the continuation, without an intervening street or alley, of the street line of a lot in any residential zone, there shall be a side yard of not less than ten (10) feet, measured at right angles to the street line.

14k. MASON CITY, IOWA. 1943.

DIVISION 7. "F" COMMERCIAL DISTRICT REGULATIONS.

Section 79. Side Yard.

. . . Where a corner lot rears upon a lot zoned as "B", "C", "D", or "E" District, the side yard on the street side of the corner lot shall be the same as required in the "B" and "C" One-family Districts. . . . (Similar provision

in "H" Light Industrial District)

Similar provision in following ordinance:

Oakland, California. 1953.

141. CHARLESTON, WEST VIRGINIA. 1954.

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS.

Section 73. Side Yards.

(1) When side yards can be reduced.

(d) On any corner lot abutting in the rear on a residence district, the width of the side yard along the side street need not be greater than the depth of the front yard of an existing building on the lot adjoining such corner lot in the rear, but shall be not less than the least width required by this chapter for a similar building on an interior lot in the same district.

Similar provision in following ordinances:

Florence, South Carolina. 1952.

Middleton, Ohio. 1947.

14m. DEKALB COUNTY, GEORGIA. 1956.

ARTICLE XIX. GENERAL PROVISIONS.

R. Side Yard for Non-Residential Corner Lots.

Where a corner lot in a non-residential district adjoins in the rear a lot in a residential district, no non-residential building or structure, located within 50 feet of the common lot line in the rear, shall be nearer the street right-of-way line of the side street than the depth of the front yard required in the residential district minus 10 feet.

14n. KANSAS CITY, MISSOURI. 1952.

SECTION 58-9. DISTRICT C-1 -- NEIGHBORHOOD RETAIL BUSINESS.

Height, Yard and Area Regulations.

3. Side Yards.

(b) On a corner lot, platted or unplatted, whose

street side line is a continuation of a side line of a lot or lots to its rear in the same block which are zoned for residential purposes, there shall be a side yard on the street side of the corner lot in the business district equal in depth to the existing or required side yard in the residentially zoned district, whichever is the greater, but need not be more than ten (10) feet.

14o. CHARLESTON, WEST VIRGINIA. 1954.

ARTICLE VI. BUSINESS "A" DISTRICTS.

Section 49. Side Yards.

In any business "A" district, no side yards are required except as follows:

(2) In a business "A" district entirely surrounded by residence districts and not over seven hundred fifty feet long in its greatest dimension, along a side street lot line of a corner lot abutting in the rear on a residence district or separated therefrom by an alley. The least width of such side yard shall be one-half of the least width of the side yard required in the adjoining residence district for a building of the same height and length, in case such lot is back to back with another lot and at least ten feet wide in any other case.

14p. LOCKPORT, NEW YORK. 1951.

ARTICLE VIII. BUSINESS DISTRICTS.

B-1 District: Business.

E. Yards Required.

c. Side yard. On a corner lot which borders on a residence district there shall be provided a side yard on the side street equal in depth to one-half of the required front yard on the said side street for a distance of fifty (50) feet from the district boundary. (Similar provision in B-2 Business District)

Slightly different examples follow:

FORT THOMAS, KENTUCKY. 1953.

SECTION 12. AREA, HEIGHT, YARD AND COURT REGULATIONS.

(e) Where a corner lot in a Business District adjoins

a lot in a Residence District on a side street no part of any principal building on the corner lot within 50 feet of the common lot line shall be nearer the side street lot line than one-half the required depth of the front yard for a building on the lot in the Residence District fronting on the side street, or the least width of a side yard in case the residence lot is back to back to the Business corner lot except that this setback on the corner lot shall not be less than 5 feet nor need not be greater than 15 feet.

TACOMA, WASHINGTON. 1953.

SECTION 21. "C-1" COMMERCIAL DISTRICTS.

C. Area Regulations.

2. Side Yard.

. . . Where the rear lot line of a corner lot abuts the side lot line of a lot in a Dwelling District, the side yard on the street side of such corner lot shall not be less than one-half of the front yard required on the lots in the rear of such corner lot but such side yard need not exceed ten (10) feet in width. In such case, however, the side yard on the street side of a corner lot shall not be less than seven and one-half ($7\frac{1}{2}$) feet. (Similar provision in "C-2" Commercial Districts)

Similar provision in following ordinances:

Santa Ana, California. 1952.
Santa Rosa, California. 1948.

14q. ST. PETERSBURG, FLORIDA. 1952. (For text, see page 67.)

REAR YARDS

15a. TRENTON, NEW JERSEY. 1956.

ARTICLE VIII. BUSINESS B DISTRICTS.

Section 801. Yard, Area, and Height Requirements.

Rear Yards--When a lot in a Business B District adjoins a Residence District at the rear, the same rear yard shall be required as is required for the adjoining district. (Similar provision in Industrial A District)

Similar provision in following ordinance:

Baton Rouge, Louisiana. 1953.

15b. GREENVILLE, MISSISSIPPI. 1947.

SECTION 6. USE, HEIGHT AND AREA REGULATIONS FOR "G"
NEIGHBORHOOD DISTRICT.

(4) Rear Yard: There shall be a rear yard along the rear line of the lot. Such rear yard shall comply with the rear yard requirements as set forth herein for the Dwelling District in which all or any part of the particular Neighborhood Shopping District is located. (Similar provision in "H" and "I" Commercial, "J" Light Industrial and "K" Heavy Industrial Districts)

A slightly different example follows:

LAWRENCE, MASSACHUSETTS. 1943.

ARTICLE VIII. APPLICATION OF AREA REGULATIONS AND
EXCEPTIONS.

Section 20. Rear Yards.

(f) In any Business or Industrial District a building not used in whole or in part as a place of residence shall not require a rear yard except where the rear line of the lot upon which such building is located is common to any part of the front one-half of the side lot line of a lot in an adjoining Residence District. In such case a yard equal to the average width of side yard required in such Residence District shall be provided adjacent to the side line of the lot in the adjoining Residence District.

15c. ROBBINSDALE, MINNESOTA. 1945. (For text, see page 68.)

15d. TACOMA, WASHINGTON. 1953.

SECTION 25. "M-1" LIGHT INDUSTRIAL DISTRICTS.

C. Area Regulations.

3. Rear Yard.

Where a lot in the "M-1" Light Industrial District abuts upon a Dwelling District there shall be a rear yard having a depth of not less than twenty (20) feet for in-

terior lots and fifteen (15) feet for corner lots. (Similar provision in "M-2" and "M-3" Heavy Industrial Districts--20' interior; 10' corner)

Similar provision in following ordinance:

Corvallis, Oregon. 1953. (20'--interior;
15'--corner)

A slightly different example follows:

STEVENS POINT, WISCONSIN. 1936.

SECTION 5. BUSINESS DISTRICT REGULATIONS.

C. Area Regulations.

(2) Rear Yards.

On every lot in the Business District which abuts a lot in the One and Two-Family District, or a lot in the Multiple Dwelling District, or is separated therefrom by an alley only, there shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided, however, that the depth of such rear yard need not exceed twenty-five (25) feet for an interior lot nor fifteen (15) feet for a corner lot. (Similar provision in Light Industrial District)

15e. ONTARIO, CALIFORNIA. 1949.

SECTION 12. "M1" LIMITED INDUSTRIAL ZONE.

C. Area Requirements.

4. Rear Yard--No rear yard shall be required except where the "M1" Zone abuts upon an "A1" or "R" Zone, in which case there shall be a rear yard having a depth of not less than ten (10) feet. Provided, however, that on lots less than one hundred (100) feet in depth such rear yard shall be not less than ten (10) per cent of the depth of the lot. (Similar provision in "M2" Industrial Zone.)

15f. SHAWNEE, OKLAHOMA. 1949.

SECTION 8. DISTRICT "C" (LOCAL BUSINESS DISTRICT).

Height and Area Regulations.

Rear Yards: The depth of the rear yard shall be at

least twenty (20) per cent of the depth of the lot, but such depth need not be more than twenty (20) feet, except that on a corner lot no rear yard is required within fifty (50) feet of a side street, unless the rear line adjoins a District "A" or "B". (Similar provision in District E -- Industrial District)

A slightly different example follows:

GREENVILLE, SOUTH CAROLINA. 1954.

DIVISION 8. "E" LOCAL COMMERCIAL DISTRICT REGULATIONS.

Section 25-58. Yards.

(3) Rear yard. . . . upon lots the rear of any side of which abuts upon a residential district, there shall be a rear yard having a depth of not less than twenty-five feet, unless the lot is less than one hundred and twenty-five feet in depth and the plat thereof has been duly recorded as provided by law, at the time of the passage of this section, in which case the rear yard need not exceed twenty per cent of the depth of such lot, and provided that no rear yard shall be less than twelve feet in depth.

15g. FARGO, NORTH DAKOTA. 1952.

SECTION 20-0308. REGULATIONS FOR C-1 DISTRICTS: LOCAL COMMERCIAL DISTRICTS.

D. Rear Yard Required.

. . . When required the depth of the rear yard shall be 25 per cent of the depth of the lot, with a maximum required depth of 30 feet and a minimum permissible depth of 15 feet:

2. A rear yard is required on any lot, the rear of side line of which adjoins any R-1A, R-1, R-2 or R-3 District.

Similar provision in following ordinance:

Eau Claire, Wisconsin. 1952.
(Minimum depth -- 20')

15h. SHAKER HEIGHTS, OHIO. 1952.

CHAPTER 8. LOCAL RETAIL DISTRICT REGULATIONS.

(c) Rear Yards - Each building used primarily for

living areas or sleeping purposes, and each main building on a lot which adjoins a residence district, shall have a rear yard of a depth not less than the height of the building. (Similar provision in General Retail Business)

151. NASHVILLE, TENNESSEE. 1953.

SECTION 9. COMMERCIAL B DISTRICTS.

REAR YARDS. In a Commercial B District, along any boundary line between such district and any Residence District, a rear yard shall be required, the minimum depth of which shall be 20 feet, increased by 2 feet for each story above the first story. (Similar provision in Industrial B Districts)

Slightly different examples follow:

SYRACUSE, NEW YORK. 1954.

SECTION 5.4 REGULATIONS.

Article 5.4.11 Adjoining Business, Residential Districts:
Side and Rear Yards

Buildings or structures hereafter erected or altered in any non-residential district, on a lot adjacent to or abutting on a residential district, shall comply with the following requirements:

2. Rear Lot Lines: Along the side lot line of a non-residential use lot abutting on the side lot line of a lot in a residential district there shall be provided a rear yard of at least the minimum width required for the side yard for residential structures of equivalent height in such residential districts.

Where the rear of a non-residential use lot abuts against the rear lot line of a lot in a residential district, a building of incombustible materials not exceeding two (2) stories in height may be erected on the rear lot line in the non-residential district but any portion of such a building above two (2) stories in height must set back to provide a space equal to the rear yard space required for the adjacent residential property.

READING, MASSACHUSETTS. 1948.

PART I. DISTRICTS.

Section 12. Yard Regulations in Business Districts.

3. Rear Yards. In any Business District no building on a lot adjoining on the rear any residential district shall have any part of its exterior wall above the first story nearer to the boundary line of such residential district than fifteen (15) feet.

Similar provision in following ordinance:

Newburyport, Massachusetts. 1940.

LINCOLN, NEBRASKA. 1953.

ARTICLE XIII. "H-1" HIGHWAY BUSINESS DISTRICT REGULATIONS.

Section 1305. Area Regulations.

3. Rear Yard: . . . In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than ten (10) feet in depth for a one story building, twenty (20) feet in depth for a two story building and thirty (30) feet in depth for a three story building. (Similar provision in "I" Commercial District--20' for 2 story building, 30' for 3 story building, one story building not mentioned)

Similar provision in following ordinance:

Sioux Falls, South Dakota. 1950.

GENERAL YARD PROVISIONS

16a. SYRACUSE, NEW YORK. 1954.

SECTION 5.3 GENERAL RESTRICTIONS.

Article 5.3.3-B. Residential Shopping Districts.

Other Restrictions and Requirements.

All requirements relative to the front, side and rear yards and setbacks shall be the same as is required in the most restricted district to which the back or side yard is adjacent; no side or rear yard shall be required on a side

of such property adjacent to a non-residential district, or adjacent to a non-residential structure or building.

Slightly different examples follow:

IDAHO FALLS, IDAHO. 1950.

SECTION 7. C LIMITED BUSINESS DISTRICT REGULATIONS.

Height, Front Yard, Side Yard, Rear Yard and Lot Area Per Family:

Shall conform to the adjoining district regulations; should more than one district adjoin, the district of greater restriction shall apply, side yards shall be the same as the adjoining district on each respective side. (Similar provision in HC Limited Business District)

Similar provision in following ordinance:

Brainerd, Minnesota. 1947.

JACKSONVILLE, FLORIDA. 1942.

SECTION 3. GENERAL PROVISIONS.

(h) Adjoining districts. Where a residence "A", "B" or "C" district adjoins a business or industrial district, the adjoining lot with the lesser restrictions shall be provided with a front yard, rear yard or side yard at least one-half in size of those required for the adjoining lot with the greater restrictions.

SAGINAW, MICHIGAN. 1958.

PART 2. LAND USE DISTRICTS.

Chapter 13. M-1 Districts.

Section 1306. Minimum Yard Dimensions for M-1 Districts.

(a) Any lot adjacent to or across a street from an R district, shall provide the same abutting front, side or rear yard required in the adjacent R district. (Provisions for other "M" Districts requires twice the depth of the yards required in the R district)

NEWBURYPORT, MASSACHUSETTS. 1940.

SECTION XVIII.

In an Industrial district adjoining on the side or rear of a residential or Agricultural district, the front, side and rear yard requirements shall be the same as those set forth in regulations for general business districts.

COEUR D'ALENE, IDAHO. 1946.

SECTION 7. COMMERCIAL DISTRICT, C-1.

Yards:

In any Commercial District, C-1, the yard requirements shall be the same as for the least restrictive use district adjoining or abutting such Commercial District, C-1, on two (2) or more sides without a public street intervening;

NEW ROCHELLE, NEW YORK. 1955.

SUPPLEMENTARY REGULATIONS.

III. Applying to Retail, Commercial and Manufacturing Districts.

R. Yards. In C-1, C-2, M-1, M-2 and M-3 Districts.

(a) On any lot abutting or straddling a Residence District boundary, yards with dimensions as prescribed in such Residence District, but in no case less than 20 feet in least dimension, shall be provided along any lot line separating such lot from a lot or portion of lot located within said Residence District.

FAYETTEVILLE, ARKANSAS. 1951.

SECTION 20. BOUNDARIES OF DISTRICTS.

. . . Provided, however, that in all cases where the frontage on one side of the street is in a commercial, business or industrial district, and the frontage adjacent thereto on the intersecting street except the corner or corners is in a residential district, any commercial, business or industrial use shall be limited to the frontage on the street zoned commercial, business or industrial throughout the block, and any property in the rear thereof fronting or

facing the intersecting street, even though it appears from the use of the scale to be in the commercial, business or industrial district, shall be governed by the use prevailing on that street in that block; it being the purpose of these regulations to limit the commercial, business or industrial use to the property facing or fronting on the street zoned for commercial, business or industrial use and to forbid the commercial, business or industrial use from facing or fronting the street zoned for residence use.

Similar provision in following ordinances:

Dyersburg, Tennessee. 1946.

Jackson, Tennessee. 1948.

16b. ALEXANDRIA, VIRGINIA. 1952.

ARTICLE VII. PROVISIONS APPLYING AT LINES OF ZONE CHANGE.

General Provisions.

SEC. 3. Wherever one zone abuts another, the setback ratio and yard provisions of the more restrictive zone shall apply to the less restrictive for a distance of 200 feet where the zone boundary line is within a block, and across the street where the zone boundary line is within the street area.

A slightly different example follows:

MARQUETTE, MICHIGAN. 1950.

SECTION 6. HEIGHT AND PLACEMENT REGULATIONS.

4. Exceptions and Modifications.

C. Where a business or industrial district abuts a lot in a residence district the side yard and rear yard requirements of the more restricted district shall prevail for a distance of not less than fifty feet into the business or industrial district.

16c. COLUMBUS, OHIO. 1952.

SECTION 47.20 YARDS IN COMMERCIAL DISTRICTS.

B. In any C-1, C-2, C-3, C-4 Commercial district entirely or 75% enclosed by a residential district or apartment residential district, and the greatest street frontage dimensions does not exceed three hundred (300) feet on any

one street, the regulations providing for front and side yards in residential districts shall apply to such commercial districts. . . .

A slightly different example follows:

SAN BRUNO, CALIFORNIA. 1941.

SECTION 5. REGULATIONS FOR C-1 DISTRICTS.

(c) Yards Required: None except

2. In the case of a C-1 district which is entirely surrounded by "R" districts or by such districts and the City boundary there shall be provided on each lot a front yard and on corner lots a side yard along the street side the same as those required for residences in R-1 districts.

16d. MIDLAND, MICHIGAN. 1951.

SECTION 4. GENERAL PROVISIONS.

(9) Along any zoning boundary line on a lot adjoining such boundary line in the less restricted district, any abutting side yard or court shall have minimum width or length equal to the required minimum widths or lengths for such side yards and courts in the more restricted district, and any abutting rear yard shall have a minimum depth equal to the required minimum depth for such rear yards in the more restricted district.

HEIGHT

17a. BREMERTON, WASHINGTON. 1950.

TITLE II.

Chapter 4. Business Districts.

Section 506. Height Limit.

Whenever the side line of a lot in a Business District is adjacent to a Residential District, the buildings on such lots shall be limited to twenty (20) feet in height. . . . (Similar provision in Manufacturing Districts)

Slightly different examples follow:

LONG VIEW, TEXAS. 1948.

ARTICLE XIII. USE, HEIGHT AND AREA REGULATIONS FOR "L-2"
HEAVY INDUSTRIAL DISTRICT.

Section 2. Height Regulations.

. . . Where a building is located on a lot adjoining a single-family district, two-family district or an apartment district, it shall not exceed forty (40) feet.

KANSAS CITY, MISSOURI. 1952.

SECTION 58-9. DISTRICT C-1 -- NEIGHBORHOOD RETAIL BUSINESS.

Height, Yard and Area Regulations.

1. Height.

(a) Buildings or structures shall not exceed three (3) stories and shall not exceed thirty-five (35) feet in height, unless adjacent to and in the same block with District R-3, R-4, or R-5, in which case the height regulations of these districts shall govern.

EAU CLAIRE, WISCONSIN. 1952.

21.13 REGULATIONS FOR C-3 DISTRICTS: GENERAL COMMERCIAL DISTRICTS.

B. Building Height Limit.

10 stories, but not exceeding 100 feet, provided that no building or portion of a building shall be erected to a height exceeding 45 feet on any portion of a lot less than 20 feet distant from any portion of a lot in any R-1A, R-1, R-2, R-3, R-4, C-2 or C-1 District.

Similar provision in following ordinance:

Fargo, North Dakota. 1952.

17b. CLIFTON, NEW JERSEY. 1954.

SECTION 11(a). LIMITED MANUFACTURING DISTRICTS.

(c) Yard, Area and Height Provisions.

Height.

No structure shall exceed two stories when within 100 feet of a residential zone.

Slightly different examples follow:

PROVIDENCE, RHODE ISLAND. 1953.

ARTICLE VI. INDUSTRIAL ZONE REGULATIONS.

Section 61. M-1 General Industrial Zone.

B. Height.

1. Maximum Height---. . . No building or structure nor the enlargement of any building or structure shall be hereafter erected or altered to exceed the height requirements of an adjacent R Zone when such building or structure is within 150 feet of said adjacent R Zone.

Similar provision in following ordinance:

Evansville, Indiana. 1953.

HIGHLAND PARK, MICHIGAN. 1942.

SECTION 12. MH DISTRICTS.

12.2 Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding eighty (80) feet provided that in any portion of an MH District one hundred and fifty (150) feet or more from any R1, R2 or RM District there shall be no limitation on the height of buildings or structures.

Similar provision in following ordinances:

Fort Wayne, Indiana. 1955.

Hamtramck, Michigan. 1947.

DEKALB COUNTY, GEORGIA. 1956.

ARTICLE XIV. INDUSTRIAL DISTRICT M-1.

F. Height Requirements.

There shall be no height limitation in this district except that all buildings in excess of two stories shall receive the written approval of the Chief of the County Fire Department and within 150 feet of any residential district no building shall exceed 50 feet in height.

OTTAWA, KANSAS. 1947.

SECTION 9. DISTRICT "D" (LOCAL BUSINESS DISTRICT).

Height and Area Regulations.

Height: No building shall exceed thirty-five (35) feet or two and one-half stories, except that where a District "D" joins a District "C" within the same block, the height may be increased to forty-five (45) feet or three stories within that block.

17c. REDWOOD CITY, CALIFORNIA. 1948.

SECTION 11. REGULATIONS FOR C-2 DISTRICTS.

Section 11.1

(b) Building Height Limit: Eight (8) stories but not exceeding one hundred (100) feet and provided that where any building lot in a C-2 district abuts any lot in a more restricted district, then any building constructed on such lot over the height limit prescribed in the more restricted district shall be required to increase the side yard abutting the more restricted district by six (6) inches for each foot that such building exceeds the height limit herein prescribed for the more restricted district. (Similar provision in C-3 and M Districts)

17d. OAKLAND, CALIFORNIA. 1953.

CHAPTER 7. CITY PLANNING.

Article 1. Zoning Districts and Regulations.

General Height Exceptions.

SEC. 7-1.61 HEIGHTS ON LOTS REARING UPON LESSER HEIGHT DISTRICTS. In a district having a height limit of seventy-five (75) feet or over where the rear line of a lot abuts a dwelling district with a height limit of forty-five (45) feet or less, the following regulations shall apply: A building may be erected to a height not to exceed forty-five (45) feet at the inner line of the required rear yard abutting the lesser height district; provided, however, that ten (10) feet may be added to the height of the building for each two (2) feet that the building, or portion thereof, is set back from the inner rear yard line.

17e. MEMPHIS, TENNESSEE. 1956.

SECTION 1899. "R-5" MULTIPLE DWELLING DISTRICT REGULATIONS.

C. Height Regulations.

No building shall exceed ten (10) stories nor shall it exceed one hundred twenty-five (125) feet in height, but whenever any building in the "R-5" Multiple Dwelling District abuts a more restricted dwelling district it shall not exceed three (3) stories nor shall it exceed forty-five (45) feet in height unless it is set back one (1) foot from the required side and rear yard lines for each foot of additional height above three (3) stories or forty-five feet. (Similar provision in "C-3" Commercial District--1 foot for each 2 feet of additional height; "M-2" Light Industrial and "M-3" Heavy Industrial District)

17f. ATLANTA, GEORGIA. 1954.

ARTICLE XVIII. "M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS.

SECTION 4. Height Regulations: No building shall exceed eight stories or one hundred (100) feet in height, but whenever any building in the "M-1" Industrial District adjoins or abuts upon a dwelling district, any part thereof in excess of three (3) stories or fifty (50) feet in height shall be set back one (1) foot from all required yard lines for each one (1) foot of additional height above fifty (50) feet. (Similar provision in "M-2" Heavy Industrial District)

Similar provision in following ordinances:

College Park, Georgia. 1957.
 Cedar Rapids, Iowa. 1953.
 New Orleans, Louisiana. 1954.
 Long View, Texas. 1948.
 Waco, Texas. 1947.

CHAPTER IV
COURT DECISIONS
CONCERNING
TRANSITION ZONING PROVISIONS

Two criteria have governed the selection of the law cases presented in this chapter. First, only cases brought to court subsequent to the publishing of Arthur C. Comey's book, Transition Zoning (18), in 1933, are included. Second, the cases are limited to those involving transition zoning made effective through a provision in a zoning ordinance.

Of the four cases reviewed in this chapter, the first two concern transition zoning provisions governing land use, and the remaining two relate to transition zoning provisions governing area or that of required yards at the boundary line of abutting use districts. The cases are presented in order of their occurrence. The cases do not build upon one another nor in any instance does one cite another. Each decision was rendered so clearly that little or no comment is needed.

The first case pertaining to a transition zoning provision governing land use is considered to have "established the rule" in the sense that it has been cited in numerous decisions concerned with the location and operation of mortuaries.

Heimerle v. Village of Bronxville July 6, 1938 (19)

The Situation.--On March 8, 1937, the Zoning Ordinance of the Village of

Bronxville, New York, was amended to read:

No building or premises shall be used, and no building shall be erected or altered which is arranged, intended or designed to be used as a mortuary, undertaking or embalming parlor, funeral chapel or similar plant or establishment within two hundred (200) feet of any residence zone. (20)

The plaintiffs sought to have their property (which was located in a business "A" district and within 200 feet of a district zoned for residential purposes) adjudged to be lawfully used for the purpose of an undertaking parlor or a funeral home and to restrain any interference with such use by the defendant.

Argument of the Plaintiffs.---The plaintiffs argued that the amendment to the zoning ordinance was unreasonable and void for two reasons. First, because such amendment, upon its face, was so arbitrary and unreasonable and lacked such relation to public welfare that it was void as a matter of law. Secondly, if the amendment were held valid upon its face and within the authority of the municipality to adopt, then it was unreasonable and void as applied to the premises of the plaintiffs.

The Court.---The ruling on the first objection made to this amendment by the plaintiffs was made upon the ordinance itself. In its ruling, the Court said:

The Court has reached the conclusion that it cannot be said upon mere inspection of the Zoning Ordinance that the end in view is not reasonably pursued by its adoption in order to promote the general welfare under a police power. In effect, the village has defined a residence district for the exclusion therefrom of general business and then provided for its extension for an additional two hundred feet with respect to the particular business of undertaking establishments. This is not a violation of the provisions of section 176 of the Village Law that all such regulations shall be uniform for each class or kind of buildings throughout each district. The regulations are uniform with respect to undertaking establishments throughout the district thus extended. Such an ordinance as indicated by authorities cited, may be sustained under the general welfare power without particu-

lar regard to zoning ordinances, where the residential area is definitely defined and the limitation is reasonable. It cannot be said here that two hundred feet is unreasonable as a matter of law so as to invalidate the entire amendment.

With respect to the second contention of the plaintiffs the Court said:

Upon the second contention that the ordinance is in fact unreasonable and void as applied to this particular property, the plaintiffs have the burden of proof. The evidence shows that the property immediately adjoins a residential district. The building is within a few feet of another building used for residence purposes. Many other residences exist within the neighborhood on both sides of the street in the residence district. Opposite is an apartment house with forty-one families. The owners may be able to derive more money on a sale for this particular business purpose than for some other purpose but the property is still available for use as a residence and the pecuniary reason above is not sufficient to invalidate the ordinance. The fact is that if it is properly converted in accordance with the Building Code, the building may be used for many kinds of businesses with equal facility. The fact that other property within the two hundred foot distance in other locations may be unreasonably affected, if such fact exists, does not aid the plaintiffs.

The complaint in each action is dismissed, upon the merits, but without costs. (21)

Lavin v. Barbini September 17, 1948 (22)

This case was an appeal made by the defendant who questioned the constitutionality of a transition zoning provision which prohibited him from using his property as he desired.

The Situation.--A provision in the Zoning Ordinance of the City of Girard, Ohio, provided that:

Within a Commercial District, no building, structure, or premises should be used, arranged or designed to be used in any part for the following uses; . . . Public Garage, or stable, provided, however, that a garage or stable may be erected under the following conditions:

. . . No entrance or exit shall be within 50 feet of a residence district or within 200 feet of any school, public

playground, public hospital, public library or institution for dependants or children. (23)

An injunction against the defendant to permanently restrain him from placing an entrance to an addition of his commercial garage situated on land in a zoned commercial district and within 50 feet of the plaintiff's premises located in a district zoned for residential uses was granted by the trial court on the grounds that said entrance violated the above zoning ordinance provision. In the trial court, undisputed evidence had been presented that if the contemplated entrance were provided, it would be within five feet of the plaintiff's property line and approximately 12 feet from her residence, which would violate the above provision.

The defendant appealed on questions of law, contending, among other points, that the trial judge erred in finding the ordinance zoning the properties of the respective parties constitutional.

The Court.---The Court cited the "purpose" (preamble and enactment clause) of the zoning ordinance and then said:

We do not doubt but that the council of the City of Girard, in the interest of health, safety, and general welfare of the public, could constitutionally enact an ordinance regulating the erection and construction of entrances to the questioned addition to defendant's commercial garage regardless of the zone in which it was being constructed; and it is common knowledge that repairing, painting and housing automobiles (in which gasoline is stored in varying quantities), which likewise it is common knowledge is highly explosive and inflammable, for which the evidence discloses it was being corrected, while necessary in modern life, and as council for defendant suggests is not a nuisance per se, nevertheless it is a fire hazard, regardless of how safely constructed or well managed, and gas fumes are more or less constantly emitted therefrom inimical to public health and safety, especially where people who live as close thereto as the evidence in the instant case inhale them.

Without citation of authority we conclude that the ordinance under discussion is constitutional.

We cannot say that the finding of the court and the judgment entered thereon are "contrary to the law and the evidence presented in that court." (24)

Pedro v. Muratore May 6, 1955 (25)

Due principally to the misapplication by the plaintiffs of a zoning provision, this case was brought before a court of law. However, it was upon a transition zoning provision governing required yards at the boundary of different use districts that the court rendered its decision.

The Situation.---The owners of a corner lot located in a business D district of Warwick, Rhode Island, applied for and received from the building inspector a permit to construct a store upon their property. Authorized by the zoning ordinance to designate the front of the building, the inspector determined the side of the proposed building facing Warwick Avenue as the front since it provided three doors on that side to be used as entrances. The side of the building nearest to and facing the plaintiffs' property, which is located in a residential B district was designated as the rear (Figure 1). The rear yard requirements of the zoning ordinance were met.

The plaintiffs appealed the granting of the permit to the zoning board of review. The resultant decision denied the appeal and affirmed the permit as complying with the requirements of the zoning ordinance. Thereupon the plaintiffs filed a petition for certiorari to review the board's decision.

Argument of the Plaintiffs.---The petitioners contended that under the zoning ordinance a corner lot in a business D district which abuts immediately on premises in a residential B district must be in accordance with all the yard restrictions applicable to the adjoining residential

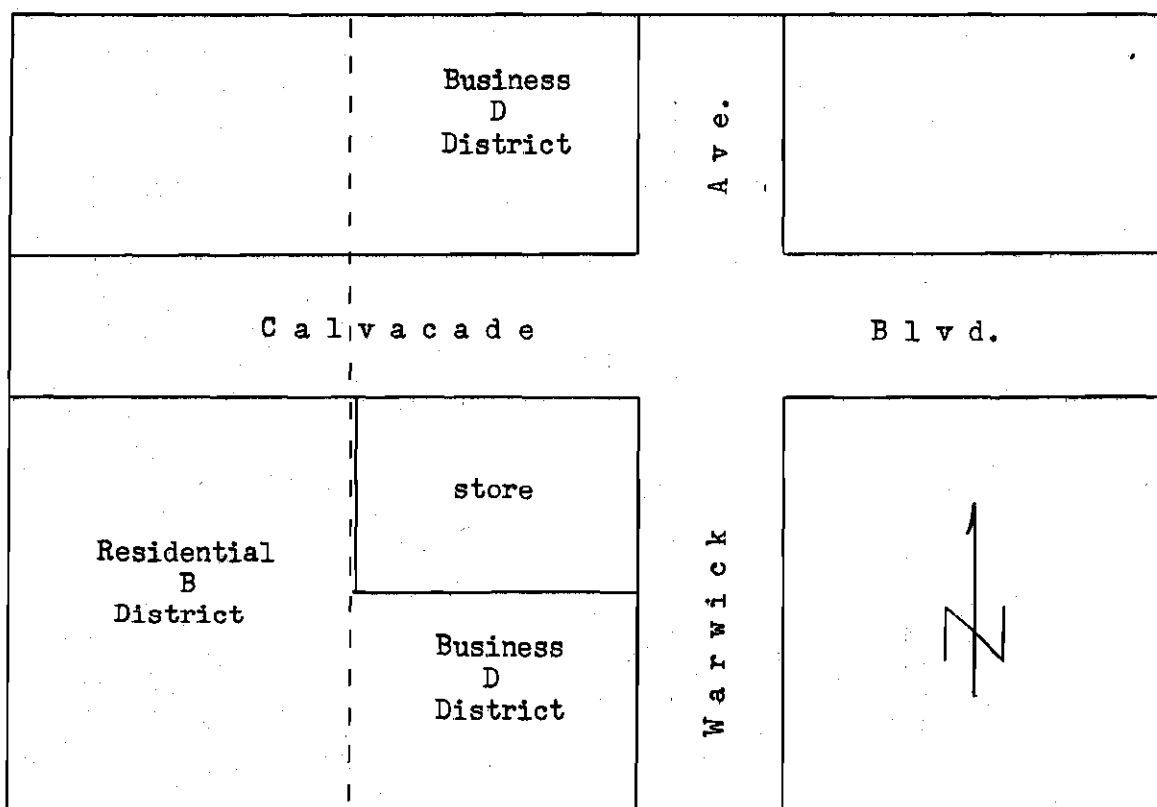


Figure 1. The Setting of Pedro v. Muratore.

area. The residential district in which the petitioners lived was governed by section VI(E) of the zoning ordinance that required:

In a Residence B District every building hereafter erected shall have a front yard not less than 25 feet in depth between a front street line and the building, and not less than 25 feet in depth between a side street line and the building. (26)

Therefore, the board erred in failing to require the applicants to provide a 25 foot yard or setback between the north side of the building and Calvacade Boulevard.

The Question Before the Court.--Since the requirements for the front and rear yards had been met and there was no dispute concerning the south side yard of the building which was in the business D district, the ques-

tion before the court was whether the ordinance, as applied to the applicants' lot, required an unoccupied space of 25 feet for the whole depth of the lot between the north side of the building and the side street line of Calvacade Boulevard.

The Court.---The Court could not agree with the plaintiffs' views that section VI(E) of the zoning ordinance was applicable to the situation. It had been established that the lot in question was entirely within a district zoned for business and therefore it could not have been governed by these regulations, but was governed rather by section VIII(C), which stated:

In a Business D District any premises immediately abutting a Residential District shall provide on the sides immediately contiguous to the Residential District front, back, or side yard restrictions similar to those provided for in the adjoining Residential District.

Furthermore:

It will be noted that the direction in that section VIII(C) is not to provide an unoccupied space or yard on all sides of such a building. It merely directs that "on the sides immediately contiguous to the Residential District" a front, back or side yard is required. In other words the question whether a front or a back or a side yard restriction is to apply under that language is determinable by what part of the lot is immediately contiguous to the premises in a residential district.

. . . there is no requirement in such section of the ordinance that a lot located in a business D district must have in effect two front yards, one on each street, or that Calvacade Boulevard in that area must be considered a residential district so as to require a side yard setback immediately adjacent thereto in accordance with the terms of the above quoted and pertinent provision.

The applicants' lot is immediately contiguous to premises in a residential district only on one side. It is not disputed that on that side and on the south side yard spaces have properly been provided in the permit. The northerly side of the lot is not adjacent to a residential area. On the contrary it bounds immediately on Calvacade Boulevard, a public highway, and the north side of that street opposite the lot abuts another busi-

ness D district.

. . . In our opinion there is no merit in petitioners' argument that the northerly side of the applicants' lot is to be considered immediately contiguous to petitioners' lot because street lines bounding each lot on that side meet at a point on Calvacade Boulevard. For the purposes of this section of the ordinance the framers clearly indicated that there must be a substantial contiguity of the premises and not merely a coincidence or an apposition of two points in a continuous line.

The petition of certiorari is denied and dismissed. . . . (27)

Stellato v. Palmietto July 26, 1955 (28)

The complaint in this case was based upon what was contended to be a violation of a transition zoning provision that required a side yard setback along the side of a business district building which abutted upon the boundary of a residential district.

The Situation.---The defendants owned a lot and a two-story business building within a district zoned for business and located on the northeasterly corner of Harrison Avenue and Grand Street in the Village of Croton-on-Hudson, New York. The property had a frontage on Grand Street of 110.6 feet and extended 72.4 feet along Harrison Avenue. The lot was 106.05 feet in length in the rear and 90 feet in depth at its easterly boundary line.

The building met with the approval of the building inspector from whom the defendants applied for and duly received a permit for its construction. The building was erected alongside of and flush with the boundary line of the plaintiff's premises which lay in a district zoned for residential uses. (Figure 2)

A clause in the zoning ordinance of this village stated:

Upon every plot used for a business building or purpose which abuts upon the boundary of a residence district, a

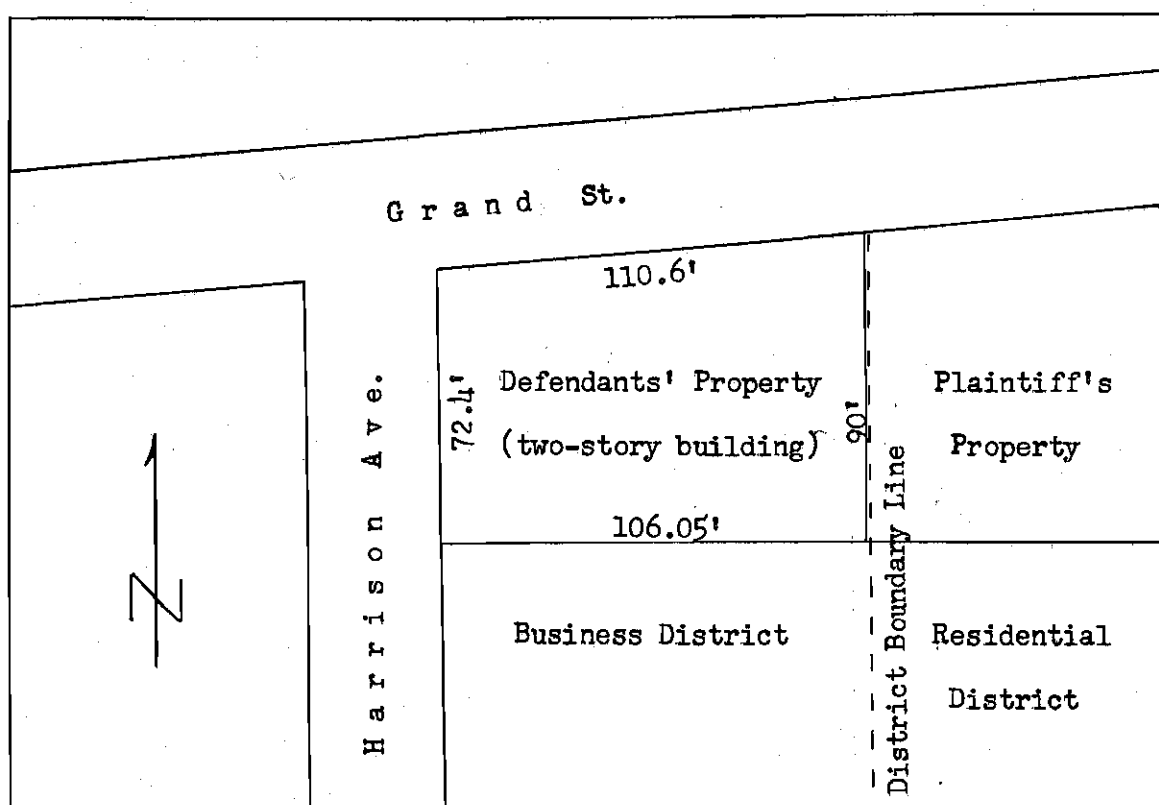


Figure 2. The Setting of *Stellato v. Palmietto* as Seen by the Plaintiff.

side yard shall be maintained at least 15 feet in width along such boundary. (29)

Argument of the Plaintiff.--The plaintiff demanded the removal of the defendants' building claiming its erection violated the above clause of the zoning ordinance.

The Question Before the Court.--The question before the court was whether the defendants' building was actually erected upon a plot "which abuts upon the boundary of a residence district," thus rendering applicable the provisions for a 15 foot side yard.

From the testimony presented, several facts played an important role in the decision of the case. The only means of locating the boun-

daries of districts of the Village was by reference to the zoning map. Boundaries were delineated on the map, and, with the use of the scale on it, by measuring from street lines, one "only" approximated such boundary lines. The village engineer, who was a witness, testified, that according to the zoning map, the boundary line of the business district was located about 125 feet east and running parallel to the easterly side of Harrison Avenue.

The Court.--

. . . upon all the evidence, I find the boundary line between the business district and the residence district does not conform with the boundary line between the lot of the defendants' and the plaintiff's property, but that it in fact extends through plaintiff's property; and that plaintiff's property is located partly in the business district and partly in the residence district.

The zoning ordinance further provides:

Where a district boundary line divides a plot in single ownership of record at the time such line is adopted and the plot has frontage on the street in the less restricted district, the regulations governing the less restricted portion of the plot may apply to the more restricted portion for a distance of not more than 25 feet from such boundary.

Under the circumstances, this provision of the ordinance would apply to the premises of the plaintiff. By virtue thereof, and inasmuch as the business district on the northeasterly corner of Harrison Avenue and Grand Street extends northerly through the premises owned by the plaintiff, the plaintiff has the option of using an additional 25 feet of his property easterly of the district line for business uses. (Figure 3)

In view of the foregoing, a substantial portion of plaintiff's premises, adjacent to the defendants' building, is located in the business district, and he is not entitled to the protection of the provisions of the ordinance calling for a 15 foot side yard.

The complaint is dismissed with costs. This will constitute the decision of the court. (30)

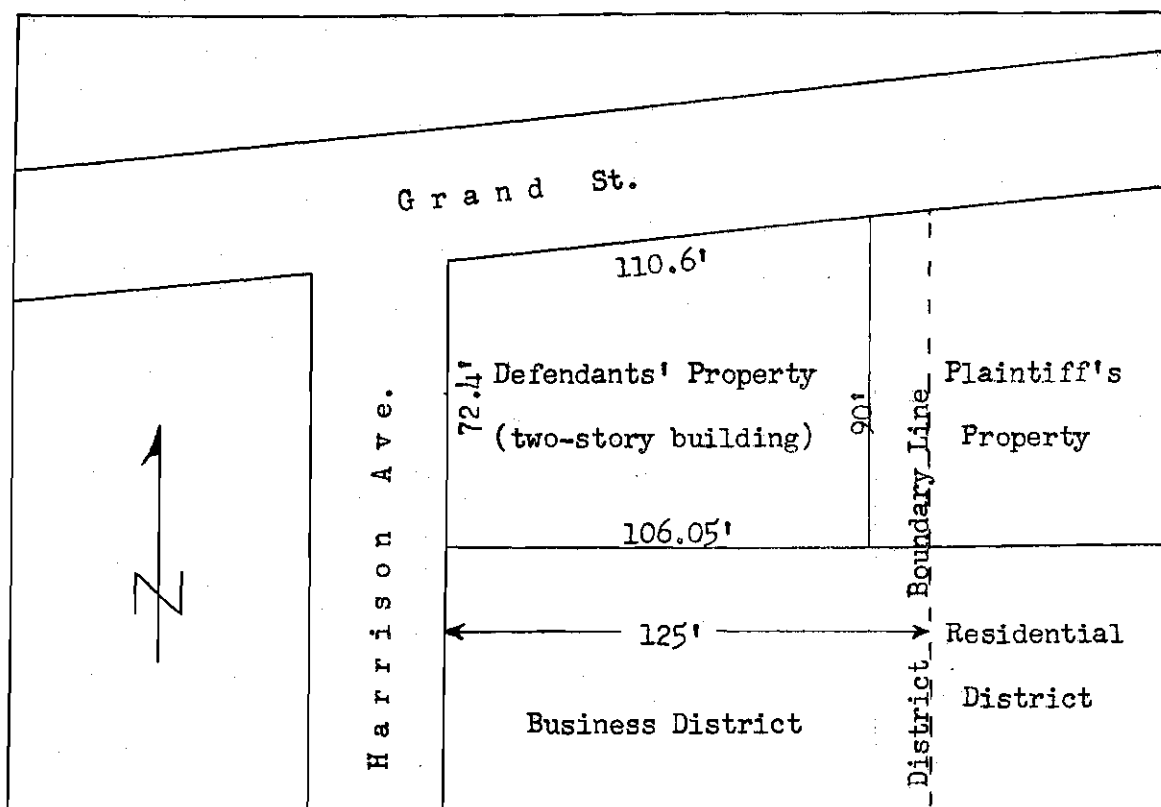


Figure 3. The Setting of *Stellato v. Palmietto* as Seen by the Court.

Summary

The foregoing decisions uphold transition zoning and are clear enough to be readily understood. From these cases, courts apparently recognize the need for marginal accommodations and adjustments between opposing restrictions of adjoining districts as long as such provisions are consistent with the general purpose and intent of the ordinance as would serve the welfare of the community.

FOOTNOTES

CHAPTER IV

18. Comey, Arthur C., *Transition Zoning*, Cambridge: Harvard University Press, 1933.
19. Heimerle et al v. Village of Bronxville et al, Benedict et al v. Same, Supreme Court, Special Term, Westchester County, New York. New York Supplement, 2nd Series, Vol. 5. St. Paul: West Publishing Co., (1938) pp. 1002-1014.
20. Ibid., p. 1005.
21. Ibid., pp. 1013-1014.
22. Lavin v. Barbini, Court of Appeals of Ohio, Trumbull County, North Eastern Reporter, 2nd Series, Vol. 88. St. Paul: West Publishing Co., (1950) pp. 417-420.
23. Ibid., p. 418.
24. Ibid., pp. 419-420.
25. Alfred R. Pedro et ux v. Joseph R. Muratore et al, as Zoning Board of Review of the City of Warwick, Supreme Court of Rhode Island. Atlantic Reporter, 2nd Series, Vol. 113. St. Paul: West Publishing Co., (1955) pp. 731-734.
26. Ibid., p. 732.
27. Ibid., pp. 733-734.
28. Frank Stellato, Plaintiff v. Michael Palmietto and Marcella Palmietto, Defendants, Supreme Court, Westchester County, New York. New York Supplement, 2nd Series, Vol. 144. St. Paul: West Publishing Co., (1956) pp. 279-281.
29. Ibid., p. 279.
30. Ibid., pp. 280-281.

CHAPTER V

SUMMARY AND CONCLUSIONS

The role of transition zoning is twofold. First, transition zoning may secure for more restricted district property adjacent to the boundary of a less restricted district as much light and air as is received by property located elsewhere in the more restricted district. And, second, transition zoning may afford more restricted district property that is adjacent to the boundary of a less restricted district the same economic protection such as stabilized values and tax assessments as is received by property located elsewhere in the more restricted district.

To assure adequate light and air, transition zoning usually increases the yard requirements and reduces the height provisions of property in the less restricted district that adjoins or is located within a specified distance of the boundary of the more restricted district. To protect property values, transition zoning prohibits less restricted district uses that would have a detrimental effect upon property in an adjoining and more restricted district from locating within a specified distance of that district's boundary line. Less restricted district uses that adjoin or are located within a specified distance of a more restricted district are usually required to maintain protective barriers such as hedges and walls in addition to any yard and height requirements that may be imposed. Thus, the application of transition zoning produces modification in a district's zoning regulations at its boundary.

Because transition zoning does result in the modification of a district's zoning regulations at its boundaries, there has been some contention that transition zoning is illegal. Opposition to transition zoning is usually based upon the well-accepted fact that zoning provisions must be uniform throughout each district. However, in the opinion of one legal authority, uniformity of rules is required and not ". . . uniformity of applicability of every part of the rule to every piece of land in a district." (31) This opinion was upheld in the case of Heimerle v. Village of Bronxville when the court ruled the zoning provision which prohibited a mortuary from locating within 200 feet of a residential district was not contrary to a village law that such regulations shall be uniform for each kind of building throughout each district (32).

The few court decisions that are on record have upheld transition zoning as being legal. Courts apparently recognize the need for marginal accommodations and adjustments between opposing restrictions of adjoining districts as long as such provisions are consistent with the general purpose and intent of the ordinance as would serve the welfare of the community.

Transition zoning plays an important role in zoning. It is found in some of the oldest zoning ordinances on record in this nation. The transition zoning provisions presented in this thesis are an indication of the extent this zoning technique has been applied to provisions of zoning ordinances since the publication of Transition Zoning by Arthur C. Comey (33) in 1933. A majority of the zoning ordinances reviewed contained at least one provision that was either identical or very similar to provisions that appeared in Mr. Comey's book nearly thirty years

ago. The main difference in transition zoning since the publication of Mr. Comey's book is the regulation of off-street parking areas. Few provisions of this type are to be noted in his work whereas today zoning ordinances frequently contain transition zoning provisions that govern off-street parking areas in residential districts that are designed to serve adjoining non-residential districts as well as non-residential district off-street parking areas that adjoin residential districts.

Transition zoning is a useful device and failure to recognize the need for it encourages the very situations that zoning ordinances try to prevent. Transition zoning, properly applied, will have a beneficial effect upon social and property values of a community.

FOOTNOTES

CHAPTER V

31. Comey, Arthur C., Transition Zoning, Cambridge: Harvard University Press, (1933) p. 18.
32. Heimerle et al v. Village of Bronxville et al, Benedict et al v. Same, Supreme Court, Special Term, Westchester County, New York. New York Supplement, 2nd Series, Vol. 5. St. Paul: West Publishing Co., (1938) p. 1013.
33. Comey, op. cit.

APPENDIX

INDEX OF ZONING ORDINANCES REVIEWED

The transition zoning provisions presented in this thesis originated in over one-third the total number of zoning ordinances that are currently on file in the Library of the School of Architecture and City Planning of Georgia Institute of Technology.

City, Town, or County	Dates of Ordinances Inspected	Footnote Numbers
ALABAMA		
Bessemer	1958	7c
Birmingham	1954	7e
Dothan	1951	7c
Montgomery	1952	7c
Mountain Brook	1955	6a
ARIZONA		
Mesa	1949	9e, 9j, 9l, 14j
Phoenix	1952	11b, 14j
ARKANSAS		
Fayetteville	1951	13c, 16a
CALIFORNIA		
Alhambra	1952	9e, 9j, 9l, 9o
Arcadia	1949	9e, 9j
Bakersfield	1954	9e, 9j, 9l, 9o
Brawley	1947	13c
Burbank	1952	9e, 9j, 9l, 9o, 10d
Corona	1957	7c, 9e, 9f, 9j
Coronado	1949	13c
Gardena	1953	9e, 9j
Hermosa Beach	1943	7a
Los Angeles	1952	7d, 9a, 9l, 10d

City, Town, or County	Dates of Ordinances Inspected	Footnote Numbers
CALIFORNIA--(Continued)		
Lynwood	1953	9e
Merced	1950	9e, 9j, 9l, 9o
Montebello	1952	9e
Monterey Park	1950	9e, 9j
Oakland	1953	14k, 17d
Ontario	1949	15e
Orange County	1952	6c
Pasadena	1952	9e, 14j
Redwood City	1948	13f, 17c
Richmond	1949	9e, 9k, 9l
Riverside	1953	9e, 9f, 9j, 10b, 10c
San Bernadino	1953	9e, 9j, 9l
San Bruno	1941	16c
San Gabriel	1949	7a
Santa Ana (City)	1952	10b, 14p
Santa Monica	1950	7l, 9e, 9l, 10b, 10c, 14g
Santa Rosa	1948	6b, 14p
South Pasadena	1954	9e, 9o
COLORADO		
Colorado Springs	1951	7c, 9f, 9l
Denver (City & County)	1956	7c, 9e, 9l, 11b
CONNECTICUT		
New Britain	1953	7a
Shelton	1953	6a, 14c, 14d
FLORIDA		
Coral Gables	1951	7h
Jacksonville	1942	9e, 16a
Miami Beach	1953	9a
St. Petersburg	1952	13k, 14q
GEORGIA		
Atlanta	1954	13a, 17f
Augusta	1955	9b, 9h, 9l, 11a, 14g
College Park	1957	12a, 17f

City, Town, or County	Dates of Ordinances Inspected	Footnote Numbers
GEORGIA--(Continued)		
Decatur	1959	10c, 10d, 11d
DeKalb County	1956	14m, 17b
IDAHO		
Coeur D'Alene	1946	16a
Idaho Falls	1950	16a
ILLINOIS		
Bloomington	1941	13d
Champaign	1950	8b, 9e
Oak Park	1947	14j
INDIANA		
Bloomington	1950	5b, 7c, 8b, 9e, 9l, 11a, 14g
East Chicago	1947	13i
Evansville	1953	6a, 7c, 8b, 9e, 9l, 14g, 17b
Fort Wayne	1955	9h, 9l, 14g, 17b
IOWA		
Cedar Rapids	1953	13h, 13i, 13j, 17f
Davenport	1948	9a
Des Moines	1953	8a, 9b, 9l, 10b, 11a, 13f
Mason City	1942	14k
KANSAS		
Ottawa	1947	17b
Wichita	1952	9d, 9l, 12b, 13o
KENTUCKY		
Calvert City	1957	14d
Fort Thomas	1953	14p

City, Town, or County	Dates of Ordinances Inspected	Footnote Numbers
LOUISIANA		
Baton Rouge	1954	14j, 15a
New Orleans	1954	17f
Port Allen	1953	9a, 131, 14j
MAINE		
Lewiston	1950	7b, 11a
MARYLAND		
Anne Arundel County	1954	6a, 8a, 9e, 9l, 9m, 11a, 11b, 14j
MASSACHUSETTS		
Belmont	1950	5g
Cambridge	1943	13h
Lawrence	1943	14b, 15b, 15i
Newburyport	1940	5f, 13h, 16a
Pittsfield	1953	5e
Reading	1948	5f, 13h, 15i
Watertown	1948	10a
MICHIGAN		
Ann Arbor	1952	9e, 9l, 9o, 11d
Center Line	1954	9i
Detroit	1949	9e, 9l, 9o
East Detroit	1948	9l, 9o
East Lansing	1953	9a
Grand Rapids	1951	7a, 7l, 9b, 9g, 9l, 9n
Hamtramck	1947	13j, 17b
Highland Park	1942	17b
Livonia	1952	9l
Marquette	1950	11a, 13h, 16b
Midland	1951	7a, 9e, 9n, 14j, 16d
Royal Oak	1953	9e, 9l, 9o
Saginaw	1958	5d, 9e, 9l, 9m, 10c, 16a

City, Town, or County	Dates of Ordinances Inspected	Footnote Numbers
MINNESOTA		
Brainerd	1947	16a
Fairibault	1949	131
Robbinsdale	1953	15c
St. Louis Park	1949	13j
St. Paul	1949	13h
MISSISSIPPI		
Greenville	1947	15b
MISSOURI		
Kansas City	1952	5f, 7f, 13f, 14e, 14n, 17a
NEBRASKA		
Lincoln	1953	11a, 15i
Omaha	1952	7a
NEW JERSEY		
Clifton	1954	131, 14a, 17b
Collingswood	1953	14a
Hamilton	1947	7b
Newark	1954	7b, 13g
New Brunswick	1952	14a
Passaic	1951	14a
Perth Amboy	1950	5a
Princeton	1951	9e, 91, 14a
Trenton	1957	14h, 15a
NEW MEXICO		
Carlsbad	1953	7g, 14j
Roswell	1947	14j

City, Town, or County	Dates of Ordinances Inspected	Footnote Numbers
NEW YORK		
Buffalo	1953	7d, 7j, 7l, 9e, 9l, 10c, 11a
Clarkstown	1955	5c, 9f, 9l, 10c, 11c
Elmira	1954	10a
Floral Park	1955	9l
Garden City	1952	7c
Lockport	1951	14p
Lynbrook	1953	5g
New Rochelle	1955	5f, 9f, 16a
Poughkeepsie	1953	7d, 9a
Rome	1947	14c
Rye	1957	9h, 13j
Syracuse	1954	9l, 13g, 14f, 15i, 16a
NORTH CAROLINA		
Greensboro	1954	9d
High Point	1947	5b
NORTH DAKOTA		
Bismarck	1953	6a
Fargo	1952	15g, 17a
OHIO		
Akron	1951	7b, 14a
Columbus	1952	9e, 9k, 16c
East Cleveland	1954	14i
Middleton	1947	14l
Shaker Heights	1952	7i, 9k, 9l, 14h, 15h
Toledo	1952	9b, 9i
Youngstown	1951	7a, 9e, 9k
OKLAHOMA		
Oklahoma City	1947	13b, 13c
Shawnee	1949	10b, 15f

City, Town, or County	Dates of Ordinances Inspected	Footnote Number
OREGON		
Corvallis	1953	15d
Lane County	1949	9e
Springfield	1952	9e
PENNSYLVANIA		
Allentown	1953	14a
Easton	1949	5b
Philadelphia	1953	131
York City	1950	14g
RHODE ISLAND		
Bristol	1946	13n
Providence	1953	5b, 7c, 8b, 10b, 14g, 17b
SOUTH CAROLINA		
Columbia	1949	7b
Florence	1952	14g, 141
Greenville	1954	15f
SOUTH DAKOTA		
Sioux Falls	1950	15i
TENNESSEE		
Dyersburg	1946	5f, 16a
Jackson	1948	5f, 16a
Memphis	1956	17e
Murfreesboro	1952	5f
Nashville	1953	7a, 15i
Tullahoma	1954	5f
TEXAS		
Austin	1950	7j, 9m
Fort Worth	1953	10b

City, Town, or County	Dates of Ordinances Inspected	Footnote Numbers
TEXAS--(Continued)		
Long View	1948	13a, 17a, 17f
Lubbock	1952	11a
Tyler	1948	13m
Waco	1947	17f
UTAH		
Ogden City	1951	8a, 9l
Provo City	1949	6a
VIRGINIA		
Alexandria	1952	16b
Lynchburg	1949	13h
WASHINGTON		
Bremerton	1950	17a
Seattle	1952	9l
Tacoma	1953	9l, 14p, 15d
Yakima	1937	7a
WEST VIRGINIA		
Charleston	1954	7d, 11a, 14l, 14o
Ravenswood	1958	6a, 9l, 9m, 11a
WISCONSIN		
Eau Claire	1952	15g, 17a
Manitowoc	1954	9c, 9i, 9l
Milwaukee	1953	9e
Racine	1946	7a
Stevens Point	1936	13e, 14c, 15d

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